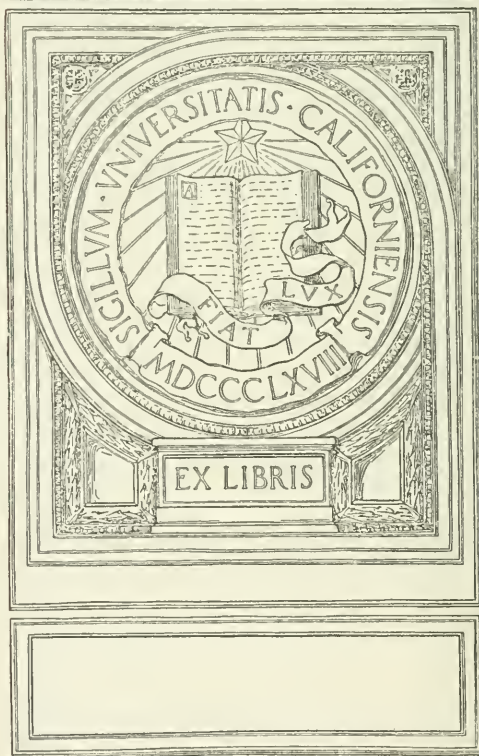


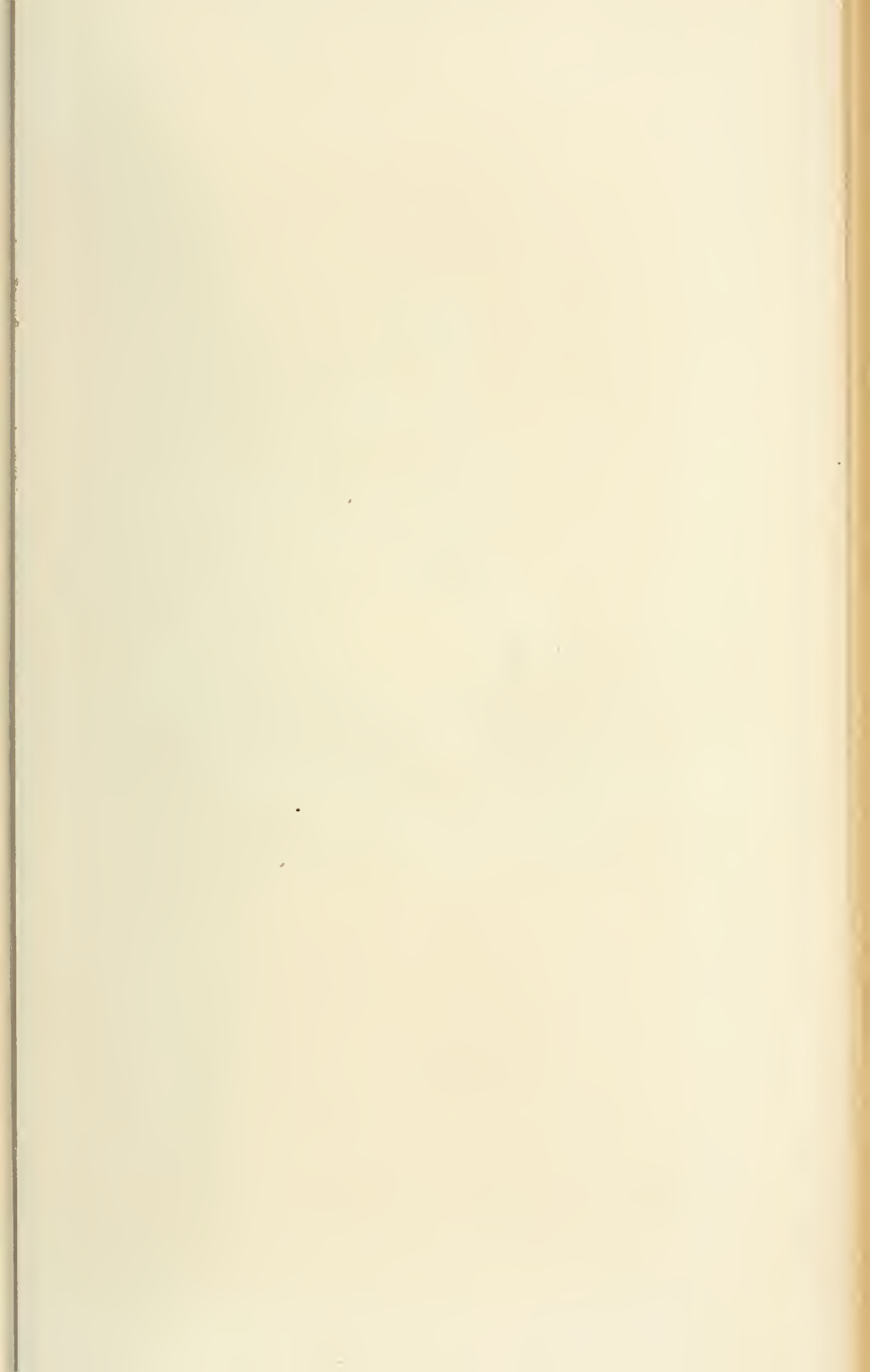
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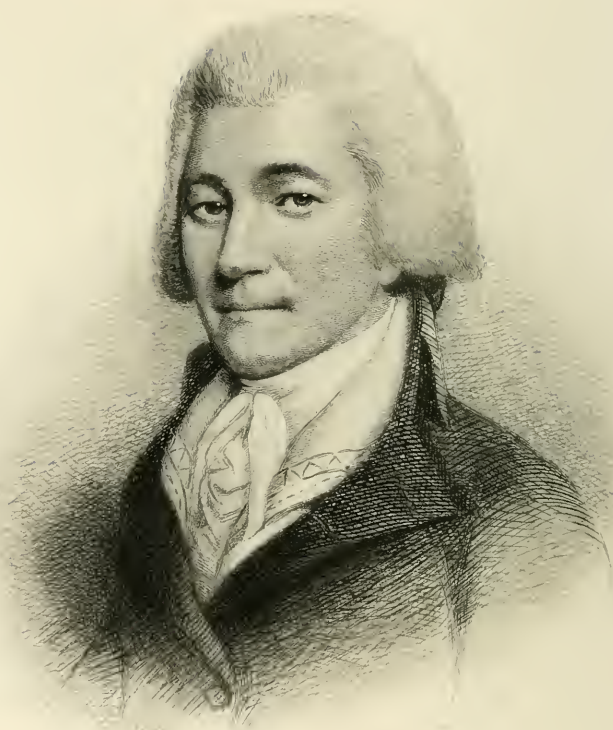




V. 13







Guar Gibbon

RECORDS
OF THE
GOVERNOR AND COUNCIL
OF THE
STATE OF VERMONT.

VOLUME III.

EDITED AND PUBLISHED BY AUTHORITY OF THE STATE
BY E. P. WALTON.

MONTPELIER:
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UNIV. OF CALIFORNIA

CONTENTS OF VOLUME III.

I.	PORTRAIT of Gov. ISAAC TICHENOR, facing the title-page.	
II.	RECORD of the GOVERNOR AND COUNCIL, Oct. 1782 to Jan. 27 1791.....	1-229
	Record of the Sixth Council, Oct. 1782 to Oct. 1783.....	1-22
	Record of the Seventh Council, Oct. 1783 to Oct. 1784.....	23-49
	Record of the Eighth Council, Oct. 1784 to Oct. 1785.....	50-75
	Record of the Ninth Council, Oct. 1785 to Oct. 1786.....	76-99
	Record of the Tenth Council, Oct. 1786 to Oct. 1787.....	100-144
	Record of the Eleventh Council, Oct. 1787 to Oct. 1788....	145-165
	Record of the Twelfth Council, Oct. 1788 to Oct. 1789....	166-183
	Record of the Thirteenth Council, Oct. 1789 to Oct. 1790...	184-204
	Record of the Fourteenth Council, Oct. 1790 to Jan. 27 1791.	205-229
III.	APPENDIX A.—RESOLUTIONS OF CONGRESS HOSTILE TO VERMONT, Dec. 5 1782, and related documents..	231-265
	Gov. Clinton to Committee and Convention in Cumberland [Windham] county, May and Sept. 1782, and accompany- ing documents.....	232-242
	Gen. Jacob Bayley to Gov. Clinton, Sept. 30 1782...	228
	Gen. John Sullivan to Maj. Gen. Lord Sterling, Oct. 4 1782..	238
	Proceedings of Legislature of Vermont, Oct. 1782...	242-245
	Action in Congress on Vermont, Nov. 5 to Dec. 5, 1782....	245-251
	Instructions of the Legislature of New Jersey, favorable to Vermont.....	248
	Resolutions of Congress, Dec. 5 1782, and vote on.....	249-250
	New York Delegates in Congress to Gov. Clinton, Dec. 9 1782.	251
	Gov. Clinton to Alexander Hamilton, Dec. 29 1782.....	252
	Gov. Chittenden to Stephen R. Bradley, Dec. 24 1782.....	253
	Remonstrance of the Governor and Council to the President of Congress, Jan. 9 1783..	254-262
	Gen. Washington to Congress, Feb. 4, and to Joseph Jones, of Va., Feb. 11 1783.....	262
IV.	APPENDIX B.—RENEWED APPLICATION OF VERMONT FOR ADMISSION INTO THE UNION, and documents thereon.....	266-296
	Proceedings of Vermont Legislature, Feb. 1783.....	266-272

Resolution, and address to Congress, declaring the attachment of Vermont to the common cause.....	269-272
Vermont matters in Congress, Feb. to May 1783, embracing letter and papers from Gov. Chittenden, and papers from Gov. Clinton.....	273-277
Application of New York to Congress for Troops to be controlled by New York, March 1783: statement of John C. Hamilton, and letter of Gov. Clinton to Col. Timothy Church.....	277-280
Proposed Partition of Vermont, May 1782: Resolutions and Memorial of a Convention of committees of Newbury, Bradford, Norwich, and Hartford; letter of Gen. Jacob Bayley to President Weare, Col. Thomas Johnson to Gen. Washington, Prest. Weare to Gov. Clinton, and Resolutions of New-Hampshire; letters of New Hampshire Delegates in Congress to President Weare, and of Alexander Hamilton and William Floyd to Gov. Clinton.....	280-289
Views of New York statesmen on the policy of New York in the controversy, whether of conciliation or force :	
John C. Hamilton on Alexander Hamilton.....	289
Alexander Hamilton to Gov. Clinton, July 1783.....	291
Gouverneur Morris to Gov. Clinton, 1778, and other letters.....	291-296
Roger Sherman of Conn., to Josiah Bartlett of N H., July 31 1781.....	293
V. APPENDIX C.—INSURRECTION IN WINDHAM COUNTY, and its bearing on the Vermont question in Congress, Oct. 1783 to Oct. 1784.....	297-336
Action of Vermont Legislature, Oct. 1783.....	297-302
Proclamation of Gov. Chittenden for thanksgiving for Providential aid in the revolutionary war, &c.....	300
Suppression of the insurrection: petition to Vermont from citizens of Windham county, and reply of Gov. Chittenden; Stephen R. Bradley to the inhabitants of Guilford and vicinity, and the printers of the Vermont Journal.....	302-307
Proceedings of the Legislature, Feb. and March 1784.....	307-315
Gov. Chittenden to Gov. Hancock of Mass., March 10 1784..	312
Proclamation of neutrality by Gov. Hancock, March 26 1784..	313
Act of Vermont against treason, March 2 1784.....	314
Proceedings in Congress in 1784, and related documents....	315-329
Instructions of New York to its delegates in Congress, Feb. and April, 1784.....	315-318
Instructions, same to same, to ask for troops.....	319-320
Action of Vermont Council in respect to force, April 1784—letter of Gov. Chittenden to Congress.....	321
Renewed application of New York for troops, action of Congress on.....	323-326

Report of Committee of Congress in favor of Vermont.....	326-329
Defence of the policy of Vermont, by Ethan Allen.....	329
Action of Vermont, Oct. 1784: Micah Townsend to the Ver- mont Gazette, and Brockholst Livingston to Townsend, on Townsend's case in New York courts; clemency to the insurgents in Windham county.....	330-334
Elections of Vermont Agents and Delegates to Congress.....	334
Sentiments of Vermont after the peace of 1783.....	334-336
VI. APPENDIX D.—OBSTACLES IN CONGRESS TO THE AD- MISSION OF NEW STATES INTO THE UNION, 1785-6.....	
337-340	
VII. APPENDIX E.—CONFLICTING TITLES TO LAND IN VER- MONT, AND MEASURES OF RELIEF.....	
341-356	
Trials of titles prohibited.....	341
THE BETTERMENTS ACTS:.....	343-356
First act, 1781.....	344
Prohibition of the trial of titles repealed.....	345
Proposed acts of March and Oct. 1784.....	345-9
Preamble to the act proposed in Oct. 1784... ..	348
The second act, 1785.....	349-352
The third act, 1785.....	352-354
Remarks of Daniel Chipman on these acts.....	354-6
VIII. APPENDIX F.—VERMONT AT THE PERIOD OF SHAYS'S REBELLION—1784-1787.....	
357-380	
Public discontent—meeting in the town of Wells.—first Coun- cil of Censors.	357-359
Address to the public by Gov. Chittenden, Aug. 1786.....	359-361
Meetings of malcontents in Rutland county.....	361-2
Action of the Legislature, Oct. 1786: petitions of grievance, of Pittsford in full; remarks of Daniel Chipman on the temper of the legislature; action on disputed questions postponed by a reference of them to the people....	362-366
Unsuccessful insurrections in Windsor and Rutland counties.....	366-369
Action of the Legislature, Feb. and March 1787: votes of the people on the questions referred; expulsion of an insur- rectionist from the House by a unanimous vote; the mili- tia thanked; act to prevent riots and punish rioters....	370-375
AID TO MASSACHUSETTS IN SHAYS'S REBELLION.....	
375-380	
Proclamation of Gov. Chittenden, Feb. 27 1787.....	377
Shays's men driven from Vermont.....	378
Ethan Allen to Col. Benj. Simmons of Mass.....	379
Arrest of Massachusetts insurgents in Vermont.....	380
IX. APPENDIX G.—VERMONT ACTS OF SOVEREIGNTY.....	
381-420	
BILLS OF CREDIT in 1781: act for, <i>fac simile</i> of bills, and act taking off the tendry thereof,.....	381-383
COINAGE OF COPPER MONEY: <i>fac simile</i> of Vermont coin..	383-4

NATURALIZATION ACTS in 1785 and 1787.....	384-392
Act to naturalize Solomon Willard of New Hampshire.....	384-5
Naturalization of Hector St. John de Crevecoeur, a citizen of France, and his children born in America: application..	385
St. John to Ethan Allen, May and July 1788.....	386-390
Ethan Allen to St. John, March 2 1786.....	390-391
Act of naturalization.....	391-2
POST-OFFICE DEPARTMENT ESTABLISHED.....	392-395
Acts of 1784 and 1787.....	392-394
Mail routes in Vermont in 1792	395
NEGOTIATIONS ON COMMERCE BETWEEN VERMONT AND FOREIGN COUNTRIES.....	395-420
Proceedings and act of the legislature in 1784.....	395-398
Report of Ira Allen, June 1785.....	398
Proceedings in legislature in Feb. 1787.....	400-442
Proclamation of Lord Dorchester on trade with Canada through Lake Champlain, April 18 1787	402
Ordinances of the Legislative Council of Quebec on the same subject, April 30 1787, April 14 1788, and in 1790.....	403-407
NEGOTIATIONS FOR A SHIP CANAL from Lake Champlain to St. Lawrence river.....	407-420
Extract from Ira Allen's History of Vermont.....	407
Levi Allen claiming to be Agent of Vermont in England, in 1789; his memorial in 1791.....	408-410
Ira Allen's negotiations in England in 1784-5, and 1795 to 1798.....	411-418
Ira Allen's summary of his public services.....	418-420
X. APPENDIX H.—SETTLEMENT OF THE CONTROVERSY WITH NEW YORK.....	421-463
William Samuel Johnson, of N. Y., to Gov. Chittenden, Oct. 18 1785.....	421
ACTION IN NEW YORK FAVORABLE TO VERMONT IN 1787..	422-438
Speech of Alexander Hamilton in favor of Vermont, March 15 1787.....	423
Reply of Richard Harrison to Hamilton.....	424-429
Hamilton's rejoinder to Harrison.....	430-438
James Madison to Gen. Washington, March 18 1787.....	438
John Adams to John Jay, May 8 1787.....	439
CORRESPONDENCE IN 1788.....	441-446
Nathaniel Chipman to Alexander Hamilton, July 15 1788....	441
Hamilton to Chipman, July 22 1788	442
John Kelly, of N. Y., to Gov. Chittenden, Aug. 23 1788	443
William Blodgett, in Conn., to Gov. Chittenden, Sept. 10 1788.	444
Wm. Samuel Johnson of N. Y. to Gov. Chittenden, Oct. 3 1788.....	444
Alexander Hamilton to Nathaniel Chipman, Oct. 1788.....	445

ACTION OF NEW YORK IN 1789.....	447-460
Memorial of John Jay and others, Feb. 13 1789.....	447
Act of New York to negotiate with Vermont, July 14 1789...	448
New York Commissioners to Gov. Chittenden.....	449
Action of legislature of Vermont, Oct. 1789, and act appointing Commissioners.....	449-450
Correspondence of the Commissioners, Feb. 1790.....	451-453
Act of New York giving Commissioners full powers, March 6 1790.....	453
Objections of Gov. Clinton thereto overruled.....	454-456
Final correspondence of Commissioners of the two States..	456-458
Act of the New York Commissioners closing the controversy,	459
ACTION OF VERMONT THEREON, Oct. 1790.....	460-463
Report of the Commissioners of Vermont.....	461
Act directing the payment of thirty thousand dollars to the State of New York.....	462
XI. APPENDIX I.—THE VERMONT CONVENTION of Jan. 1791, to ratify the Constitution of the United States—its pro- ceedings and debates, &c.....	
Act of the Legislature calling the Convention.....	464
Letter from a citizen of New York, urging Vermont to join the Union, Oct. 30 1790.....	465
PROCEEDINGS AND DEBATES OF THE CONVENTION.....	466-482
Roll of Members.....	466
Remarks of	
Stephen R. Bradley of Westminster.....	475, 479
Daniel Buck of Norwich.....	473, 476
Nathaniel Chipman of Rutland.....	468-472, 478
Benjamin Emmons of Woodstock.....	472, 478
Daniel Farrand of Newbury.....	477
Benjamin Greene of Windsor.....	467, 477
Beriah Loomis of Thetford.....	476
Nathaniel Niles of Fairlee.....	479
Israel Smith of Rupert.....	476
Act of the Convention, signed by the Delegates.....	480
Names of the dissenting Delegates.....	481
Resolutions of the Convention.....	481
Vermont honored at Albany, N. Y.....	482
Celebration at Rutland.....	483-4
XII. APPENDIX K.—ADMISSION OF VERMONT INTO THE UNION.....	
Act of Vermont appointing Commissioners to Congress.....	485
Message of Prest. Washington to the Senate, and action thereon.....	486
Nathaniel Chipman to Gov. Chittenden, March 23 1791.....	486

Vermont Commissioners to Gov. Chittenden, May 2 1791....	487
Thomas Jefferson to Gov. Chittenden.....	487
Acts of Congress:	
For the admission of Vermont into the Union.....	487
Fixing the number of Representatives in Congress for Kentucky and Vermont.....	488
Giving effect in Vermont to the laws of the United States,	488
First United States officers in Vermont.....	489
XIII. APPENDIX L.—PAPERS OF CHARLES PHELPS, Esq., of Marlborough, on the controversy with New York, &c., 1770 to 1777.....	490-498
XIV. ADDITIONS TO AND CORRECTIONS OF VOLS. I, II, AND III.	499-514
Credentials of the first Agents of Vermont to Congress. . . .	499
Proceedings in full of the Convention at Cornish, N. H., Dec. 9 1778.....	499-501
Capt. Remember Baker and family.....	502
Col. Seth Warner and the Warner family.....	502-503
Gen. Roger Enos in Arnold's invasion of Canada in 1775... .	505-506
Rev. Dr. Samuel A. Peters and family, with geneological notes on Thos. Chittenden, Moses Robinson, and others..	507-508
Cause of Gov. Chittenden's defeat in 1790.....	508-513
Other personal notes, corrections, &c.,....	501, 503-4, 506-7, 513, 514
XV. ACKNOWLEDGMENTS.....	514

THE SIXTH COUNCIL.

OCTOBER 1782 TO OCTOBER 1783.

THOMAS CHITTENDEN, Williston, *Governor*.

PAUL SPOONER, Hartland, *Lieutenant Governor*.¹

Councillors :

JOSEPH BOWKER, Rutland,	BENJAMIN EMMONS, Woodstock,
TIMOTHY BROWNSON, Sunderland,	JOHN FASSETT, jr., Arlington,
MOSES ROBINSON, Bennington,	SAMUEL FLETCHER, Townshend,
JONAS FAY, Bennington,	JOHN THROOP, Pomfret,
PETER OLCOTT, Norwich,	THOMAS PORTER, Tinmouth,
IRA ALLEN, Colchester,	SAMUEL SAFFORD, Bennington. ¹

JOSEPH FAY, Bennington, *Secretary*,

THOMAS TOLMAN, Arlington, *Deputy Secretary*.

BIOGRAPHICAL NOTICES.²

THOMAS PORTER was born in Connecticut, in June 1734, and served in the British army at Lake George in 1755, and also in the army of the revolution. He was a farmer, but nevertheless prominent and influential in public affairs. He removed from Connecticut—probably Cornwall,—to Tinmouth, Vt., in 1779, being then in his forty-fifth year. In 1780, '81, and '82, he represented Tinmouth in the General Assembly, but only for a few days in October 1782, as he was then transferred to the Council. It is remarkable that he was elected Speaker in his first term, on the resignation of Thomas Chandler, jr., and re-elected in 1781

¹ Oct. 10 1782, Mr. Spooner was declared to be elected a Councillor; on the 11th he was elected Lieutenant Governor in joint assembly, no election having been made by the people; and on the 12th, Gen. Samuel Safford was elected Councillor by the Governor and Council, to fill Mr. Spooner's place.

² For notices of the seven first named, see Vol. I; and of Messrs. Fassett, Fletcher, and Throop, see Vol. II.

and '82, which office he held when he was declared to be elected a Councillor. He served in the last named office continuously until 1795, a period of thirteen years, and two years as judge of Rutland county court. His public service in Vermont therefore embraced seventeen years; but it has been said of him that his legislative service in Connecticut and Vermont covered a period of thirty-five years. Judge Porter died at Granville, N. Y., in August 1833, at the age of ninety-nine years and three months. This great age indicates that he was unusually sound in mind and body—a well-balanced man. His high public offices also indicate both an estimable character and good talents, qualities which were exhibited in the very highest degree by his son, Rev. Dr. EBENEZER PORTER, who, from 1811 to his death, April 8 1834, was highly distinguished as a professor and president of the Theological Seminary at Andover, Mass.—See Drake's *Dictionary of American Biography*; Deming's *Catalogue*; and Allibone's *Dictionary of Authors*.

SAMUEL SAFFORD, eldest son of Dea. Joseph Safford of Bennington, was born at Norwich, Conn., April 14 1737. He was one of the early settlers of Bennington, and actively engaged in the defence of the state through all the long and bitter contest with New York. From 1775 to the close of 1807, a period of thirty-two years, he was almost constantly employed in public services, both military and civil—as Major in Warner's battalion in 1775, lieutenant colonel in Warner's continental regiment, serving in Hubbardton and Bennington battles, and subsequently until June 1781, when he was elected brigadier-general of Vermont militia; as delegate in one of the most important conventions preceding the declaration of state independence—the Dorset Convention of Sept. 1776; as representative of Bennington in the General Assembly in 1781, to which office he was re-elected in 1782, and in which he served until he was transferred to the Council; as Councillor from 1782 until 1805, twenty-three years in succession; and for twenty-six years in succession, ending in 1807, as chief judge of Bennington county court. He was among the few who were cognizant of the Haldimand negotiation, but his patriotism was never questioned. From 1804 until his death, March 3 1813, he was a worthy member of the congregational church, and for most of that time a deacon.—See H. Hall's *Early History of Vermont*; Deming's *Catalogue*; and *Memorials of a Century, Bennington*.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT MANCHESTER,
OCTOBER, 1782.

STATE OF VERMONT, Manchester, Thursday, Oct^r 10, 1782.

At an annual Meeting of the Governor & Council, agreeable to Constitution. Present, His Excellency Thomas Chittenden Esq. & the following Members of The Honorable Council, viz^t; Moses Robinson, Tim^o Brownson, Paul Spooner, Ira Allen, Samuel Fletcher & Benj^a. Emmons, Esq^{rs}.¹

Having agreed to proceed to Business, a Motion was made that a Committee be appointed from the Council, consisting of three Members, to join a Committee from the House, to receive, sort, & count the Votes of the Freeman, and declare the several Persons chosen to the Offices of Governor, Deputy Governor, Treasurer & Councillors, for the Year ensuing. Members chosen, Mr. Robinson, Mr. Spooner, Mr. Brownson, Mr. Fletcher, Mr. Allen, & Mr. Emmons.

The Committee to whom was referred to Count, & Sort the Votes of the Freeman, & declare the Persons chosen, brought in their Report as follows, viz^t: That His Excellency Thomas Chittenden, Esquire, is elected Governor for the year ensuing: That there is no choice made of a Deputy Governor. That the Hon^{ble} Ira Allen Esq. is elected Treasurer for the Year ensuing, and that the Honorable Moses Robinson, Paul Spooner, Joseph Bowker, Samuel Fletcher, Jonas Fay, Benj^a. Emmons, Tim^o Brownson, John Throop, Ira Allen, John Fasset, Jun^r. Thomas Porter, & Peter Olcott, Esquires, are elected Councillors for the Year ensuing.

Adjourned to Nine of the Clock Tomorrow Morning.

FRIDAY, October 11th. 1782.

Met according to adjournment.

The several Officers, Members of Council, having taken the necessary Oaths, to qualify them to their Office; The Governor and Council pro-

¹ From the *Assembly Journal*, Oct. 10 1782:

Agreeable to the Request of the General Assembly at their last session the Rev'd Mr. Gershom Clark Lyman preached an Election Sermon—after divine service was performed—

Resolved that a Committee of fifteen to join a Committee from the Council be appointed to receive, sort, and count the votes for Governor, Deputy Governor, Treasurer, and Counsellors [Councillors.]

ceeded to join the General Assembly to elect, by joint Ballot, a Deputy Governor, agreeable to Constitution. The Ballots being taken, the Honorable Paul Spooner Esq^r was elected and declared Deputy Governor for the Year ensuing, who subscribed the necessary Oaths. Proceeded by joint Ballot to the Election of Five Judges of the Superior Court for the Year ensuing, and the Ballots being taken the following Gentlemen were declared chosen, viz^t; The Honorable Moses Robinson, Chief Judge, Paul Spooner, Jonas Fay, John Fasset Jun^r, & Peter Olcott Esq^{rs}, Side Judges.

A Bill from the House, appointing a Committee of seven to join a Committee of Council to make an Arrangement of the necessary Business of the present Session. Resolved, That Mr. Robinson and Mr. Allen be a Committee to join said Committee for the Purpose aforesaid.

A Petition signed Stephen Pearl, Gideon Brownson, & others, was read, praying for Liberty for William Marsh to visit his Family in Dorset,—Resolved, that the Prayer of said Petition be, and is hereby granted, on Condition that the said Marsh return within Fourteen Days, and that he sign a Parole, that he will not do anything directly or indirectly prejudicial to this State, or any Subject thereof.

A Petition signed David Goff was read, and ordered to be lodged on the Files.

A Petition signed Asaph White was read, and ordered to be lodged on the Files.

Resolved, That Joseph Fay Esq. be and he is hereby appointed Secretary to the Governor and Council for the Year ensuing.

Adjourned to Nine of the Clock, Tomorrow Morning.

SATURDAY, October 12th. 1782.

Met according to Adjournment.

A Pass was granted at the Request of Isaac Vannaughnum & Jesse Welden, giving Liberty to the said Isaac & Jesse to pass to Onion River, & the Northern part of this State for the purpose of Hunting.

A Bill from the House, appointing a Committee to join a Committee of Council to take under consideration the first, Second and Third Articles of the Report of the Committee for arranging the Business of the present Session, having been brought in & read, Resolved, that a Committee be appointed to join said Committee. Members chosen, Gov. Spooner & Mr. Porter.¹

A Bill from the House being brought in and read, appointing a Committee to join a Committee of Council, to consider the Fifth Article in

¹ The articles referred to were reported by the committee appointed on the 11th to arrange business, and are as follows:

1st—That a tax be levied of 7^d on the pound, to be paid in Due-Bills, Pay-Table Orders, the paper Currency of this State, or hard money.

2^d—That a tax of 3^d on the pound be laid to be collected in hard money only.

3^{dly}—Take under consideration the mode of collecting the provision due from the respective towns and converting it for the payment of the Soldiers and Commissary's debts.

5th—Take proper measures to regulate the press within this State—printing and promulgating the Laws.—[See note, *post*, p. 9]

7th—To take measures for the Settlement of the debts against tory Estates.

the Arrangement of Business, which respects the regulating the Press, &c. Resolved, that a Committee be appointed to join said Committee. Member chosen, Mr. Allen.

A Bill from the House being brought in & read, appointing a Committee to join a Committee of Council to consider the Seventh Article in the Arrangement of Business, which respects measures for Settlement of Tory's Estates.—Resolved, that a Committee be appointed to join said Committee. Members chosen, Mr. Robinson & Mr. Fletcher.

Council proceeded to the Choice of a Member in the Room of His Honor Paul Spooner Esq^r elected Deputy Governor, and the Ballots being taken, General Samuel Safford was elected—and subscribed the necessary Oaths.¹

Adjourned to Eleven of the Clock Monday next.

MONDAY, October 14th. 1782.

Met according to Adjournment.

A Petition signed Bosteon Deal,² Peter Fosburgh,³ & others, having been read, and a Committee having been appointed thereon in the House, to join a Committee of Council, Resolved, that a Committee be appointed to join said Committee. Members chosen ⁴ Mr. Safford and Mr. Brownson.

A Return of the election of Judges of the County Court for the County of Windsor being brought in and read, & it appearing that the People of the County were not fully notified of the Time of holding said election, Resolved, not to issue Commissions on said Election.

A Petition signed John Fuller, Constable of Rockingham, having been brought in and read, and a Committee having been appointed thereon in the House, to join a Committee of Council, Resolved, that a Committee be appointed to join said Committee. Members chosen, Mr. Porter and Mr. Allen.

Resolved, that a Committee of Council be appointed to join a Committee from the House, on a Petition signed Eleazer Patterson Jun^r, Rich^d. Prouty & others. Members chosen, Mr. Porter & Mr. Allen.

A Passport was given to Cap^t. Jn^o. Hill and Son, & Mr. Moses Yale, to pass to the northern Parts of this State, for the Purpose of Hunting.

A Petition signed Elias Stevens of Royalton having been brought in and read, & a Committee having been appointed thereon in the House to join a Committee of Council, a debate ensued on the Question whether a Committee be appointed to join said Committee, as the adverse party had not been cited to answer to the same, and the same being put, it passed in the negative.

Adjourned to Nine of the Clock Tomorrow Morning.

¹ This election was not made by the Council until the Assembly had been asked to nominate a candidate. The record in the *Assembly Journal* for Oct. 12 is as follows:

His honor Paul Spooner Esq^r made a verbal request to this House from the Council that they would nominate a person for Counsellor in the room of Paul Spooner Esq^r chosen Deputy Gov^r—On motion made that this House do nominate a person for a Counsellor agreeable to said request—the question was put and passed in the Negative.

² Bastian in the *Assembly Journal*.

³ Forsbury in the *Assembly Journal*.

TUESDAY, October 15th. 1782.

Met according to Adjournment.

A Bill from the House was received and read, appointing a Committee to join a Committee of Council to take under consideration the delinquent Towns & Classes¹ who have not raised their quotas of Men for the present Campaign, whereupon Resolved, that a Committee be appointed to join said Committee. Members chosen, Mr Allen & Mr Fletcher.

A Number of Acts were received from the House, and read, and after considerable time spent thereon, Resolved, that the further consideration of the said Acts be referred to Tomorrow.

Adjourned to Nine of the Clock Tomorrow Morning.

WEDNESDAY, October 16th. 1782.

Met according to Adjournment.

A Bill was received from the House & read, appointing a Committee to join a Committee of the Council to consider on proper Measures for the Defence of the Frontiers of this State, and of the Propriety of discharging the Troops now in Service, whereupon Resolved that a Committee be appointed to join said Committee. Member chosen, Mr Safford.²

¹ For act relating to "Heads of Classes," see Vol. II, p. 306. The system of enlisting and paying troops by heads of classes instead of by the selectmen of towns, seems to have been borrowed from New York.—See resolutions of Assembly of Oct. 22, *post*, p. 7, note.

² From the *Assembly Journal*:

Oct. 15 1782.—A motion was made by his Excellency the Gov^r that a Commissary Gen^l be appointed—Ordered—that the appointment of Commissary Gen^l and Board of War be referred until tomorrow morning.

Oct. 16.—Motioned by Mr Tichenor and Seconded, that the appointment of a Commissary General be suspended until it be known in what way the troops are to be provided for our defence—and passed accordingly.

Motioned by Mr Ward and Ordered by the House—that a Committee of five be chosen to consider of measures to be taken for defence, and propose for furnishing troops for future defence, and to join a Committee from Council—and also consider the present situation of our troops and advise whether they shall be discharged—and report to this House.—Committee chosen Mr Whipple, Mr Tichenor, Mr Stroug, Mr Enos, & Mr Lyon.

No action resulted at this session, except as follows, not even the election of a Board of War. Doubtless this was due to a confident reliance upon the assurance of Gen. Haldimand to Gov. Chittenden in the August preceding.—See Vol. II, p. 476.

From the *Assembly Journal*:

Oct. 19 1782.—The Committee to whom was referred the situation of the frontiers, &c. brought in the following Report, viz.—“That it is

A Bill was received from the House, appointing a Committee to join a Committee of Council to consider of and propose an Alteration & Amendment of the Act commonly called the Tendry Act, and the same being read, Resolved that a Committee be appointed to join said Committee. Member chosen, Mr. Brownson.

A Petition signed Benjamin Bennet was received and read, praying for the Remission of a certain Fine laid on him by the Superior Court; and the Question being taken, whether the Prayer of said Petition be granted, it passed in the negative.

An Act directing a County Election in the County of Windsor, having passed the House, was received and read; and the Question being put, whether the same be concurred, it passed in the affirmative.

An Act discharging a Part of a certain Tax on the Town of Hinsdale, having passed the House, was received & read, & the Question being put whether the same be concurred, it passed in the affirmative.

A Petition signed Samuel Wells & others, praying for a Grant of 3,000 Acres of Land, was received & read, and a Committee having been appointed thereon in the House, to join a Committee of Council, Resolved, that a Committee be appointed to join said Committee. Member chosen, Mr. Robinson.

An Act discharging Joseph Coleman from certain Fourfolds, having passed the House, was received & read; and the question being put whether the same be concurred, it passed in the affirmative.

A nomination of Elkanah Day Esq^r to the Office of Sheriff within and for the County of Windham, being made & brought forward by the Representatives of said County, Resolved, that the s^d Elkanah Day Esq. be, & he is hereby appointed Sheriff within & for said County for the Time being, whereupon the said Elkanah Day as Principal, & Micah Townsend Esq. & Mr. John Norton, as Sureties, appeared, & acknowledged themselves recognized & bound, jointly & severally, to the Treasurer of this State, in the sum of *Two Thousand Pounds* Lawful Money, & the same well & truly to be paid by them, their Heirs, Executors and Administrators respectively; Conditioned, that if the said Elkanah Day shall faithfully execute the Office of Sheriff within & for the County of

there [their] opinion that the soldiers raised for the defence of the frontiers in February last be discharged except one subaltern and ten men to remain at Castleton—And that one hundred and fifty barrels of flour be procured out of the provision tax granted last October.

S. SAFFORD, *for the Comtee.*

The aforesaid Report was read and accepted and Ordered that the Secretary [of State] be desired to make such amendments in the act for raising a tax of 7^d on the pound, &c. agreeable to said Report—and make Report.

Oct. 22 1782.—Resolved that the Pay-Master of this State's troops be dismissed from his said office as soon as he shall have completed adjusting the accounts of the Officers and Soldiers in service the last Campaign.

Resolved that his Excellency the Governor be requested to discharge all the troops in the service of this State except one Serjeant, one Corporal and eleven privates to be taken out of those who are inlisted and paid until the 15th of December next, and that the Treasurer pay the classes that inlisted such men two months wages at forty shillings p^r month.

Oct. 24 1782.—Resolved that the Commissary-General of this State be dismissed from his office as such after having completed a settlement of his accounts.

Windham afores^d. agreeable to his said Appointment, then this Obligation to be void; otherwise, to remain in full Force.

Adjourned to Nine of the Clock Tomorrow Morning.

THURSDAY, Oct^r. 17th. 1782.

Met according to Adjournment.

Agreeable to the order of the Day, the Council proceeded to join the Assembly in a Committee of the whole, for the electing of Agents to attend the Congress of the United States; and the Ballots being taken, The Honorable Moses Robinson, Paul Spooner, Ira Allen and Jonas Fay, Esquires, were elected.

After which, Council returned to their Room.

A Bill was received from the House and read, as follows, viz^t;

“STATE OF VERMONT. IN GEN^l. ASSEMBLY, Feb. 27th. 1782.

“Resolved, that there be & hereby is granted unto Mr James Anderson & Company, Ten in Number, including those who have made Improvements thereon, a Gore or Tract of Land lying in this State, bounding East of Londonderry, containing about One Thousand Two Hundred Acres; and the Governor & Council are hereby requested, as soon as a proper Survey can be ascertained by the Surveyor General of said Tract, to make out a Charter of the same unto the said Anderson & Company, under such restrictions and Reservations, and for such Fees as they shall judge best.”

“Extract from the Journals.”

(Copy.)

“ROSWELL HOPKINS, Clerk.”

Resolved, that each Proprietor of the Gore of Land granted to James Anderson & Company, Ten in Number, pay Six Pounds Lawful Money Granting Fee, to be paid by the first Day of January next.

A Bill from the House was received and read, appointing a Committee to join a Committee of Council, to consider of, & state the Fees of Agents to Congress, &c. and make report; whereupon, Resolved, that a Committee be appointed to join said Committee. Member chosen, Mr Fletcher.

Adjourned to Nine of the Clock Tomorrow Morning.

FRIDAY, Oct^r. 18th. 1782.

Met according to Adjournment.

An Act directing the Listers of Guilford in a certain case, having passed the House, was received & read; and the question being put whether the same be concurred, it passed in the Affirmative.

An Act remitting the Land-Tax from the Town of Stockbridge, having passed the House, was received and read; and the question being put whether the same be concurred, it passed in the Negative.

An Act relating to Constables & Collectors having received counterfeited Monies for public Taxes, &c. having passed the House, was received and read; and the question being put, whether the same be concurred, it passed in the Affirmative.

An Act granting a New Trial to Benjamin Whipple Esq^r in a certain case therein specified having passed the House, was received & read; whereupon, the question being put whether the same be concurred, it passed in the Affirmative.

An Act giving certain Directions for collecting and paying certain Rates & Taxes, having passed the House, was received & read, and the

question being put whether the same be concurred, it passed in the Affirmative.

Adjourned to Nine of the Clock Tomorrow Morning.¹

SATURDAY, Oct^r. 19th. 1782.

A Bill from the House was received & read, appointing a Committee to join a Committee of Council to redraught & amend the Act "remitting the Land Tax from Stockbridge," and make Report; whereupon Resolved, that a Committee be appointed to join said Committee. Member chosen, M^r Brownson.

A Petition signed Jacob Ruback was received and read, & a Committee having been appointed thereon in the House to join a Committee of Council, Resolved, that a Committee be appointed to join said Committee. Member chosen, M^r Safford.

Adjourned to Two of the Clock, Monday next.

¹ From the *Assembly Journal*, Oct. 18 1782:

The Committee to whom was referred the 5th article in the arrangement [of business] brought in the following Report, viz.—

"That a Committee of three be chosen by this House to agree with some person or persons who will undertake to set up and continue the printing business in some convenient place in this State for the term of five years, giving sufficient security for his or their constant and faithful performance of the said printing business for this State; and also that a public Newspaper be printed and published weekly at said printing office—and in consideration thereof that the said person or persons shall receive the sum of three hundred pounds Lawful money out of the public treasury of this State, and shall have the sole and exclusive privilege of doing all the printing for this State during the said term of five years at a reasonable price.—And that the Committee for receiving granting fees be directed to receive from Capt. Daniel Taylor at cash price such printing paper as he has on hand, and deliver the same to the person or persons contracting at the printing office, taking his or their receipt therefor in part of the said three hundred pounds.

"That the Sheriff of each County be directed to distribute to the respective towns in their several Counties all public acts of the State.

"I. ALLEN, *for Comtee.*"

The aforesaid Report was read and accepted, and thereupon Resolved that M^r Sabin [of Putney.] M^r Townsend [of Brattleborough.] and M^r Abel Curtis [of Norwich.] be a Committee to procure a printer agreeable to said Report.

These resolutions were adopted by the Assembly on the 19th. This was a second and successful attempt to establish a press in eastern Vermont. Aided by State patronage, for five years, Spooner & Green removed their office from Westminster to Windsor in 1783. two months after Haswell & Russell had established the *Gazette* at Bennington.—See Vol. II, pp. 12, 151. In 1787 this contract was renewed for three years, and in 1790 the patronage of the State was divided between the *Gazette* office at Bennington, and the *Journal* office at Windsor.

MONDAY, Oct^r 21st. 1782.

Met according to Adjournment.

A Memorial and Request of the Treasurer, desiring Direction respecting giving out Execution against the Constables of certain Towns in this State who are in arrears for public Taxes, was received and read, and a Committee having been appointed thereon in the House to join a Committee of Council, to consider of said Memorial & make Report, Resolved, that a Committee be appointed to join said Committee. Member chosen, Mr. Emmons.

A Permit was granted to Lieutenant William Blanchard & Mr. John Blanchard to pass the *present Lines*, to the Northern Parts of this State; for the Purpose of Hunting.

Adjourned to Nine of the Clock Tomorrow Morning.

[Here followed the report of the committee appointed to draw up instructions to the Agents to Congress, for which see *Appendix A.*]

TUESDAY, Oct^r 22nd. 1782.

A Petition from the Proprietors of the Township of Tunbridge was received and read, praying that they may receive a New Charter of said Township, and a Committee having been appointed thereon in the House to join a Committee of Council,—Resolved, that it does not appear best that a Committee be appointed to join said Committee at this Time, but that the further consideration of the Petition be referred to the next session of this Assembly.

A Bill from the House was received & read, appointing a Committee to join a Committee of Council, to consider the best Method for ascertaining Town Lines within this State, & make Report; whereupon Resolved, that a Committee be appointed to join said Committee. Members chosen, Mr. Allen & Mr. Fletcher.

A Petition signed Abigail Baldwin for, and in behalf of her children, the heirs of Thomas French, was received & read, whereupon Resolved, that the following Proposals be made to the General Assembly, viz:

STATE OF VERMONT. IN COUNCIL, Oct^r 22nd. 1782.

It is proposed by the Governor and Council that the further consideration of said Petition be referred to the next Session of this Assembly; and that a Bill passed to be enacted yesterday, nullifying the Sale of such Lands in the Town of Pawlet as were the Property of the Heirs of Thomas French deceased, & were sold at Public Vendue, be reconsidered. And, at the same time, to prevent that Injustice which may otherwise take place, it is further recommended that the Privilege of redeeming said Lands be continued & extended to said Heirs until Twenty Days after the rising of the next Session of this Assembly.

Attest, THOS. TOLMAN, *D. Secy.*

A Bill from the House was received & read, appointing a Committee to join a Committee of Council, to consider on the Disposal of the Estates of those Persons in the County of Windham who have forfeited the same to the Freeman of this State, by their treasonable Conduct, whereupon Resolved, that a Committee be appointed to join said Committee. Members chosen, Mr. Fletcher and Mr. Allen.

On Motion made, Resolved, that the Resolution of this Day on the Petition of the Proprietors of Tunbridge be, & is hereby reconsidered; and that a Committee be appointed to join said Committee. Member chosen, Mr. Fay.

A Bill from the House was received & read, appointing a Committee to join a Committee of Council, to take under consideration a proposed Act for granting a Tax of 7^d. on the Pound in Public Securities, & 2^d. in Hard Money; whereupon Resolved, that a Committee be appointed to join said Committee. Member chosen, Mr Safford.

An Act in addition to an Act regulating Goals & Goalers having passed the House, was received & read, & the question being put, whether the same be concurred, it passed in the Affirmative.

An Act in addition to an Act directing and regulating the levying & serving Executions, having passed the House, was received & read; and the question being put whether the same be concurred, it passed in the Affirmative.

The Honorable Jonas Fay & John Fassett Jun^r. Esq^{rs}. being duly qualified by oath, took their Seats at the Board.

A Petition signed James Lewis, was received & read, praying that he may be allowed certain Costs of Court, paid by him, to the amount of £123 8 6, Continental Money, and the said Petition having been referred by the House to this Council for their Determination; and it appearing to this Council reasonable that the Prayer of the Petition be granted so far as to the value of the Monies paid by the said Lewis, therefore Resolved, that said Lewis be paid said Sum at the rate of one for Forty, and that an Order issue therefor on the Treasurer in favour of said Lewis, it being the Sum of Three pounds One Shilling and Eight Pence, L. Mr.

An Order was issued accordingly.

A Bill was received from the House and read, appointing a Committee to join a Committee of Council to take under consideration the Provision-Tax-Act of 1781, and make Report; whereupon Resolved, that a Committee be appointed to join said Committee. Member chosen, Mr Fay.

Adjourned to Nine of the Clock Tomorrow Morning.

WEDNESDAY, Oct^r. 23rd. 1782.

Met according to Adjournment.

An Act directing the Sale of the real Estate of Timothy Tyler, deceased, having passed the House, was received & read, & the question being put whether the same be concurred, it passed in the Affirmative.

An Act discharging the Constable of the Town of Manchester the Sum of Four Pounds, having passed the House, was received & read, and the question being put whether the same be concurred, it passed in the Affirmative.

An Act in addition to an Act entitled an Act for licencing & regulating Houses of Public Entertainment, having passed the House, was received & read; and the question being put, whether the same be concurred,—with the erasure of the word "Person" and instead thereof inserting the word "Inhabitant," it passed in the Affirmative.

A bill was received from the House, and being read, is as follows, vizt;

"IN GENERAL ASSEMBLY, Oct^r. 23rd. 1782."

"Resolved, that the last Thursday in November next, be, and is hereby appointed as a Day of public Thanksgiving throughout this State, and that His Excellency the Governor, & Council, be desired to issue a Proclamation accordingly."

"Extract from the Journals."

"ROSWELL HOPKINS, Clerk."

A Petition signed Jacob Ruback was received and read, praying for an Allowance of certain accounts for Service done, &c. and the question

being put, whether the Prayer of the said Petition be granted, it passed in the Negative.

On motion made, Resolved, that Samuel Wells, Jonathan Hunt & Arad Hunt, pay Twenty Pounds Lawful Money for the Granting Fees of Three Thousand Acres of Land, granted them by the Legislature of this State: To be paid at the next Session of this Assembly.

An Act to secure to the Proprietors of Tunbridge their Rights, &c. having passed the House, was received & read; & the question being put, whether the same be concurred, it passed in the Affirmative.

An Act confirming Zachariah Curtis in his Property in one certain Right of Land in Brumley [Peru] having passed the House, was received & read; and the question being put, whether the same be concurred, it passed in the Affirmative.

An Act granting a New Trial in a Cause between Abner Chafee & David Brydia, having passed the House, was received & read; and the question being put whether the same be concurred, it passed in the Affirmative.

A Bill from the House was received and read, which is as follows, vizt;

“IN GENERAL ASSEMBLY, Oct^r 23rd 1782.”

“Resolved, that His Excellency the Governor have One Hundred and Fifty Pounds Lawful Money Salary for his Services the present year.”

“Extract from the Journals.”

“ROSWELL HOPKINS, Clerk.”

A Bill was received from the House, and being read, is as follows, vizt;

“Resolved, that the Treasurer be and is hereby directed not to pay out any of the Money collected on the Two penny Tax until the next Session of Assembly, except on such special orders as the Assembly have given at this Session, or orders that the Governor & Council may draw for the Exigences of the State.”

“Extract from the Journals.”

“ROSWELL HOPKINS, Clerk.”

An Act for authenticating Deeds having passed the House, was received & read, & the question being put, whether the same be concurred, it passed in the Affirmative.

Adjourned to Nine of the Clock Tomorrow Morning.

THURSDAY, Oct^r 24th 1782.

Met according to Adjournment.

An Act directing Forms of Writs in Civil Causes, having passed the House, was received & read; & the question being put, whether the same be concurred, it passed in the Affirmative.

An Act directing an Adjournment of the Superior Court, having passed the House, was received and read; & the question being put whether the same be concurred, in passed in the Affirmative.

An Act stating Fees, &c. having passed the House, was received & read; & the Question being put whether the same be concurred, it passed in the Affirmative.—[For fees established, see Slade's *State Papers*, p. 462.]

An Act granting a Tax of 7^d. on the Pound in public Securities, and 2^d. on the Pound in Hard Money, having passed the House, was received & read; and the question being put whether the same be concurred, it passed in the Affirmative.

An Act directing the Collection of the Provision Taxes of the Years 1780 and 1781, having passed the House, was received & read; and the

question being put whether the same be concurred, it passed in the Affirmative.

A Petition signed Asaph Carpenter, and another signed Edward Carpenter, were received & read, praying for a Remittance of certain Fines therein mentioned; whereupon Resolved, that Ten Pounds be remitted to each of the said Petitioners.

A Petition signed Stephen Chase was received & read, praying for a Remittance of certain Fines therein mentioned. And the question being put, whether the Prayer of the Petition be granted, it passed in the negative.

An Act entitled "An Act to repeal an Act entitled an Act enabling the several Towns to tax the Lands within their respective Towns for certain Purposes therein mentioned, passed Oct^r 1781," having passed the House, was received & read; & the question being put whether the same be concurred, it passed in the Affirmative.

A Petition signed James Marsh was received & read, praying that a part of the Granting Fees be taken off of a Grant of a certain Gore of Land, and the question being put whether the Prayer of the said Petition be granted, it passed in the negative; and on motion made, Resolved, that the said Granting Fees be paid at the next Session of this Assembly.

On Motion made, Resolved, that His Excellency the Governor be, & he is hereby empowered in Behalf of Council, to draw on the Treasurer for Monies collected on the 2^d. Tax, when he shall judge necessary.

Adjourned without day.

CLOSE OF OCTOBER SESSION, 1782.

Attest, THOMAS TOLMAN, *Dep. Sec^y*.

[Here the report of the committee to draft instructions to the Agents to Congress, in *Appendix A*, were again entered on the record; inadvertently, as Deputy Secretary Tolman certified.]

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION AT SUNDERLAND, JAN. 9 & 10, 1783.

STATE OF VERMONT. SUNDERLAND, January 9th. 1783.

At a Meeting of the Governor & Council in this Town, convened by special warning and request of his Excellency,

Present. His Excellency Thomas Chittenden, Esq^r. Governor. The Hon^{ble} Moses Robinson, Jonas Fay, Ira Allen, John Fasset Jun^r. Sam^l Fletcher. Sam^l Safford, & Tho^s. Porter, Esq^{rs}. Councillors.

On Motion made, Resolved, that there be six Public Rights of Land reserved in the two Heroes for the following Uses, viz; Three Rights or

equal Shares to be located on the South, and Three on the North Island; one of which for the first settled Minister of the Gospel—one for the support of the social Worship of God, & one for the Use & support of an English School or Schools, on each Island respectively.

On Motion made, Resolved, that His Excellency the Governor be, & he is hereby requested to settle with William Beadle for a Yoke of Oxen sold at public vendue in the Year 1777, for the Use of this State, and for which said Beadle has obtained an Execution against William Searle.

Adjourned to Nine of the Clock tomorrow Morning.

January 10th. 1783.

Met according to Adjournment.

On Motion made, Resolved, that a Person be appointed in addition to the Committee of Pay-Table, until Colonel Brownson shall be able to attend, or Isaac Tichenor, Esq. shall return to his Duty in said Committee, or his or their places shall be otherwise filled.

On Motion made, Resolved, that Thomas Tolman Esq. be, and he is hereby appointed to said Office, accordingly.

On Motion, Ordered, that Colonel Ira Allen & Thomas Tolman Esq. prepare & compleat the Draught of a Remonstrance or Letter to the President of the Honorable Congress, & lay the same before His Excellency the Governor, for his Approbation & Signature.¹

Adjourned without day.

Attest, THOMAS TOLMAN, *Dep. Sec^y*.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT WINDSOR,

FEBRUARY, 1783.

STATE OF VERMONT. IN COUNCIL, at Windsor, Thursday, }
February 13th. 1783. }

Present, His Excellency Thomas Chittenden, Esq. Governor. The Hon^{ble} Joseph Bowker, Moses Robinson, Ira Allen, Jonas Fay, John Fasset Jun^r Sam^l Safford, & John Throop Esq^{rs}. Councillors. And after some Time spent in preparing the necessary Business to be laid before the House;

Adjourned to Nine of the Clock tomorrow Morning.

¹ See *Appendix A*, Gov. Chittenden to the President of Congress.

FRIDAY, February 14th. 1783.

Met according to Adjournment.

Resolved, that Jonas Fay Esq. be and he is hereby appointed Secretary Pro. Tem. to the Council, the Secretary and Deputy being both absent.

A Letter of the 11th. instant, and another of the same date from John Bridgman Esq. purporting his Request to resign the Office of Judge of the County Court in the County of Windham, & his Office of Justice of the Peace within & for said County, were received & read; and on the question to agree to the Liberty requested, it passed in the negative.¹ And on Motion made, Ordered, that the Secretary notify Mr. Bridgman of the Proceedings of the Council herein, and, in the Name of the Council, request his further Continuance in his said Offices.

A Petition signed by Jacob Galusha and a Number of others, and a Certificate under the Signature of Thomas Matterson, Town Clerk of Shaftsbury, were read, requesting that Ebenezer Willoughby, late of Shaftsbury, who has been some Time absent from this State, be permitted to return thereto, and enjoy the Priviledges of a Freeman thereof, Whereupon, Resolved, that Liberty be, and hereby is granted unto the said Ebenezer Willoughby to return with his Family and Effects into this State, his dispensing with such of his Interest as has been disposed of by this State for its Use, to atone for his past Offences committed against this State.²

A Petition of Sarah Sherman was read, praying that George Foot may be directed to execute a Deed of one Hundred Acres of Land in Castleton (as per the Petition) to Mrs. Sarah Sherman the Petitioner, on Condition she the said Petitioner, make and execute a Deed of the same Tract to M^r. Eden.

A Petition from David Goff, being read, Ordered, that it be preferred to the General Assembly.

Adjourned to 9 o'Clock Tomorrow Morning.

SATURDAY, February 15th. 1783.

Met according to Adjournment.

A Letter from Elijah Parker, Collector for the Town of Chester, requesting Instructions for his future Proceedings in collecting the Land Tax in said Town, having been read, was delivered to Thomas Carroll to be laid before the General Assembly.

Adjourned to Monday next, 9 o'Clock in the Morning.

MONDAY, February 17th. 1783.

Met according to Adjournment.

A Letter of the 13th. Instant from Major Joseph Fay, was read, and a verbal Relation at the same Time made by Isaac Tichenor Esq^r. relative

¹ JOHN BRIDGMAN was the magistrate who tried the case of Col. Timothy Church, in the preceding July, and issued the execution which Church resisted. Probably Mr. Bridgman desired to escape, as far as was possible, the disagreeable difficulties into which the people of a part of Windham county were then plunged.

² Capt. WILLOUGHBY was a member of the Convention at Windsor, June 1777, but subsequently joined the enemy. He was captured, and his property confiscated.

to the Transactions of Congress respecting the State of Vermont, on passing their Act of the 5th. of December last.¹

The Hon. Peter Olcott Esq^r appeared, and took his seat in Council.

Resolved, that it be and hereby is recommended to the Representatives of the County of Rutland present, to nominate some suitable Person in said County to supply the Place of Judge of the County Court in said County, in lieu of Judge Warren lately removed out of this State²—That they notify such of the Members of Council as are Inhabitants of that County, to be present at the Nomination; and that they return the Name of the person nominated to the Council, in order that he may be duly qualified.

A similar Resolve passed, for supplying the Place of a Judge of the County Court for the County of Windham, in the Room of General Fletcher who declines serving.

Mr. Safford and Mr. Allen were appointed a Committee, to join a Committee from the Assembly, for the Purpose of bringing in a Bill for quitting Ancient Settlers.

Mr. Olcott and Mr. Fletcher were appointed to join a Committee from the General Assembly to report their Opinion of the Number of Men to be raised for the Defence of the Frontiers the ensuing Campaign, and how they shall be raised, paid, &c.

Mr. Bowker and Mr. Allen [were] appointed to draw a Declaration purporting the Attachment of this State to the Common Cause of the Country.³

Adjourned to Nine of the Clock Tomorrow Morning.

TUESDAY, February 18th. 1783.

Met according to Adjournment.

A Petition, signed George Eager and Amos Babcock, representing that they have considerable Sums of Money due to them from Persons residing in the Province of Quebec, which they cannot procure without making a journey into Canada, & requesting a Permit for that Purpose, was read, and the Prayer thereof not granted.

Mr. Throop and Mr. Allen were appointed to join a Committee from the General Assembly to report their Opinion, and prepare a Bill respecting putting State Notes and Due-Bills on Interest.

The following Bill was received from the General Assembly:

“IN GENERAL ASSEMBLY, Feb^y. 18th. 1783.

Agreeable to the Order of the Day, proceeded to choose by Ballot seven Persons, as a Board of War. The Ballots being taken, B. Gen^l. Roger Enos, Col^o. John Strong, B. Gen^l. Samuel Safford, Col^o. Elijah Robinson, Col^o. Timothy Brownson, Col^o. Benjamin Wait, Col^o. Moses Robinson, were elected.”

Adjourned to 9 o’Clock Tomorrow Morning.

WEDNESDAY, February 19th. 1783.

Met according to Adjournment.

Agreeable to a Recommendation of this Council, of the 17th. Instant, to the Representatives of the County of Windham present, to nominate

¹ See *Appendix A*.

² Col. Gideon Warren of Tinmouth. His name is not in Deming’s list of county judges.

³ See *Appendix A*.

a suitable Person in said County for a Judge of the County Court of said County, in the Room of General Fletcher who declines serving, They reported this Day, that (with the Advice of the said General Fletcher) they have nominated Colonel Stephen Row Bradley, of Westminster.

Mr. Safford and Mr. Olcott were appointed to join a Committee of Five from the General Assembly, to take into Consideration the Measures necessary to be taken with regard to the disaffected Inhabitants of Guilford and its vicinity, and make Report.¹

Mr. Bowker was appointed to join a Committee of three from the General Assembly, on the Subject of preventing Trade with the British, or Canadians, on Lake Champlain.

An Act empowering the Administrators on the Estate of Samuel Crippen, late of Pittsford deceased, to sell so much of the real Estate of said Deceased as may be sufficient to pay *Seventy Pounds* Lawful Money – the amount of several Debts due to several Creditors of said Estate, and for defraying the Charge arising on such Sale, having passed the General Assembly for the first Time, was received and read; and the Question being put whether the same be concurred, it passed in the Affirmative.

An Act confirming a writing purporting the last Will and Testament of Rufus Rude, late of Royalton, deceased, having passed the General Assembly, was received and read, & the Question being put, whether the same be concurred, it passed in the Affirmative.

Mr. Fay was appointed to join a Committee from the General Assembly to prepare a Bill to enable the Authority and Selectmen of the several Towns to abate a certain part of State Taxes that may be laid upon them, and make Report.

An Act confirming the Conveyance of One Hundred Acres of Land in Weathersfield, made & executed by David Wooster, in April 1773, to Eliphalet Spafford, having passed the General Assembly, was received & read; and the Question being put whether the same be concurred, it passed in the Affirmative.

Adjourned to Nine o'Clock Tomorrow Morning.

THURSDAY, February 20th. 1783.

Met according to Adjournment.

The following Bill was received from the General Assembly, vizt;

STATE OF VERMONT. IN GENERAL ASSEMBLY, Feb^r. 20th. 1783.

Resolved, that the second Wednesday of April next be, and it is hereby recommended to be observed and set apart as a Day of Public Fasting and Prayer throughout this State; and His Excellency the Governor is hereby requested to issue his Proclamation accordingly.

Extract from the Journals. (Signed) ROSWELL HOPKINS, *Clerk*.

The Members of Council being required on Committees so as to prevent a Quorum for the Remainder of the Day,

Adjourned to 9 o'Clock Tomorrow morning.

FRIDAY, February 21st. 1783.

Met according to Adjournment.

Stephen Row Bradley, Esq^r. was appointed Judge of the County Court for the County of Windham, in the Room of General Fletcher, who declines serving,—agreeable to a Nomination made by the Representatives of said County present, the 19th. Instant.

¹ See *Appendix C*.

Mr. Robinson was appointed to wait on the General Assembly, and inform them of the Sense of the Council, on the Report of a Committee appointed to report the necessary Measures to be taken with the disaffected Persons in Guilford, and its vicinity.

Mr. Bowker was appointed to join a Committee from the General Assembly to take into Consideration the Petition of J. Hoisington and Oliver Williams, Administrators on the Estate of Joab Hoisington, late of Woodstock deceased, and make Report.

Mr. Spooner was appointed to join a Committee from the General Assembly, to take into Consideration the Petition of Nathan Woodbury, respecting a Right of Land in Brookfield, and make Report.

Adjourned to Tomorrow Morning 9 o'Clock.

SATURDAY, February 22nd. 1783.

Met according to Adjournment.

Mr. Robinson and Mr. Bowker were appointed a Committee on the Bill directing the Levying & serving of Executions.

Mr. Olcott was appointed on the Bill of Lieut Ward Bayley, and on Dr. Samuel White's Bill of Cost.

Adjourned to Monday next, 9 o'Clock in the Morning.

MONDAY, February 24th. 1783.

Met according to Adjournment.

Mr. Bowker was appointed to join a Committee from the General Assembly, to consider the Petition of Capt Delano and others, and report.

An Account was exhibited by Ira Allen Esqr for £4 4 0, Hard Money, advanced by him in a Journey to Philadelphia, in the Year 1782.—Ordered, that the Secretary be and he is hereby directed to draw an Order on the Treasurer for the said Sum of Four Pounds four Shillings Lawful Money. An Order was accordingly drawn.

An Act lengthening the Time of Redemption of sundry Lots of Land, in favour of Abigail Baldwin, to the first day of June next, was read.

Council joined the General Assembly, in a Committee of the whole.¹

Adjourned to Tomorrow Morning 9 o'Clock.

TUESDAY, 25th. February. 1783.

Met according to Adjournment.

An Act enabling ———, Administrator on the Estate of [John] Clossen, late of Thetford Deceased, to sell such a Part of the Real Estate of the said Deceased, for the Payment of the several Demands on said Estate, as mentioned in said Act, having passed the General Assembly, was received and read; and the Question being put whether the same be concurred, it passed in the Affirmative.

An Act annexing the Town of Rochester to the County of Windsor, for the Time being, having passed the House, was received and read; and the Question being put whether the same be concurred, it passed in the Affirmative.

The following Act was received from the General Assembly, and after being read, was ordered to be entered on the Journals of Council, vizt;

¹ For proceedings in committee of the whole, see *Appendix B*.

An Act to enable the Governor and Council to Pardon certain Persons therein described.

Whereas certain Persons in the County of Windham, have lately been convicted before the Supreme Court of this State, of conspiring and attempting an Invasion, Insurrection and Public Rebellion against this State, contrary to the Form of the Statute of this State, passed in June last, entitled "An Act for the Punishment of Conspiracies against the Peace, Liberties and Independence of this State;" and have been Banished therefor; And

Whereas it is suggested that some of said Persons are Penitent, and desirous of returning to their Duty, and it is probable that, during the Recess of this House, some of said Persons will petition for the Pardon of their said Offences: This Assembly being desirous at all Times of showing Mercy when it can be done consistent with the public Safety;

Be it therefore enacted, and it is hereby enacted, by the Representatives of the Freemen of the State of Vermont in General Assembly met, and by the Authority of the same, That His Excellency the Governor, and the Honorable the Council of this State be, and are hereby fully authorized and empowered, upon Application to them made, during the Adjournment of this Assembly, to Pardon any of the said Persons who have been banished from this State by the Supreme Court as aforesaid, in as full and ample Manner as this Assembly could do, if convened.

STATE OF VERMONT. IN GENERAL ASSEMBLY, }
Windsor, Feb^r. 24th. 1783. }

The above Act was read and passed the House.

Attest, ROSWELL HOPKINS, Clerk.

IN COUNCIL, Windsor, February 25th. 1783.

Read and concurred.

JONAS FAY, Sec^y. P. T.

The following Bill was received from the General Assembly, vizt:

IN GENERAL ASSEMBLY, February 25th. 1783.

Resolved, that the House will proceed at this Time to elect Delegates to represent this State in Congress the ensuing Year if necessary, and that the Number of Six be elected for that Purpose. The Ballots being taken, The Honorable Moses Robinson, and Jonas Fay, Esquires, Isaac Tichenor Esq^r. The Honorable Ira Allen Esq^r. His Honor Governor Spooner, and Abel Curtis Esq^r. were elected.

Extract from the Minutes.

ROSWELL HOPKINS, Clerk.

Mr. Olcott was appointed to join a Committee from the General Assembly, on the Petition of Alexander Parmalee and others for the Appointment of a Company of Dragoons.

Mr. Fletcher was appointed to join a Committee from the General Assembly, on the Petition of Jabez Bingham, in Behalf of the Proprietors of Tunbridge.

Adjourned to Tomorrow Morning 9 o'Clock.

WEDNESDAY, February 26th. 1783.

Met according to Adjournment.

An Act directing the Treasurer to call on the Commissaries, and Persons who have attended Congress in Behalf of this State, to settle their Accounts on, or before the first Day of August next, having passed the House, was received and read; and the Question being put, whether the same be concurred, it passed in the Affirmative.

An Act confirming such Parts of the Acts of the Inhabitants of the Town of Lunenburg in a certain Public Town Meeting, as relates to their Choice of Town Officers, having passed the General Assembly, was received and read; and the Question being put, whether the same be concurred, it passed in the Affirmative.

An Act confirming a Number of Lots of Land in Weathersfield, conveyed by Deed, by Daniel Whipple, the Grantor, to Daniel Whipple, the Grantee, having passed the General Assembly, was received and read; and the Question being put, whether the same be concurred, it passed in the Affirmative.

An Address of the General Assembly, signed by Increase Mosely, Speaker, was read and concurred.¹

An Act confirming Isaac Hoisington and Oliver Williams, Administrators on the Estate of Joab Hoisington, late of Woodstock Deceased, to sell of the Real Estate of the said Deceased to the Amount of £300, Lawful Money, to discharge the Debts due to the Creditors of said Estate, and also for Costs of Sale, having passed the General Assembly, was received and read; and the Question being put, whether the same be concurred, it passed in the Affirmative.

An Act abating a Part of the Grand List of the Town of Westminster, for the Year 1782, having passed the General Assembly, was received and read, and on the Question to concur with the same, it passed in the Affirmative.

An Act abating a Part of the Grand List of the Town of Windsor, for the Year 1782, having passed the House, was received and read, and on the Question to concur with the same, it passed in the Affirmative.

An Act empowering the several Brigadiers General within their respective Brigades, to accept Resignations of any Commissioned Officer (Field excepted) and to give orders for the supplying of Vacancies, &c. Having passed the House, was received and read, and on the Question whether the same be concurred, it passed in the Affirmative.

Adjourned to Tomorrow Morning 9 o'Clock.

THURSDAY, February 27th. 1783.

Met according to Adjournment.

Two Acts, the one annexing the Township of Brookfield, and the other, that of Randolph, to the County of Orange, having passed the General Assembly, were received and read, and on the Question to concur with the same, it passed in the Affirmative.

An Act directing the Treasurer to issue State Notes on Interest, for Debts due from this State, having passed the General Assembly, was received and read, and on the Question to concur with the same, it passed in the Affirmative.

JONAS FAY, *Secy. Pro Tem.*

Adjourned without Day.

END OF FEBRUARY SESSION, 1783.²

¹ See *Appendix B*.

² From the *Assembly Journal*, Feb. 27 1783:

Resolved that Noah Sabin and Abel Curtis, Esqrs. be impowered to settle with Micah Townsend Esq^r. for his Expences and Trouble in attempting to procure a Printer, &c. on his relinquishing said Business; and that they make Report: And that part of a Resolution passed in

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION AT ARLINGTON, APRIL 14, 1783.

IN COUNCIL, at Arlington, April 14th. 1783.

His Excellency the Governor having received a Letter from Judge Smith of the County of Orange, certifying that William Wallace, lately elected Sheriff, by the Freemen of said County, declines serving in that Office,

Resolved, that Abner Chamberlain be, and he is hereby appointed Sheriff of said County—to continue in Office for the Time being, and to be commissioned accordingly.

Attest, THO. TOLMAN, *Dep^y. Sec^y.*

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION AT ARLINGTON, MAY 8, 22, 30, AND
JUNE 24, 1783.

IN COUNCIL, at Arlington, May 8th. 1783.

Resolved, that Jonathan Brace Esq^r. be, and he is hereby appointed a Judge of the County Court within and for the County of Bennington (for the Time being) in the Room of Judge Lee who has resigned his Office as Judge of said Court.

Resolved, that John Benjamin Esq^r. be, and he is hereby appointed (for the Time being) a Justice of the Peace within and for the County of Windsor, in the Room of Joel Marsh who declines serving in that Office.

Resolved, that Captain Samuel Bartlet be, and he is hereby appointed a Member of the Committee of Pay Table, in the Room of John Strong Esq^r. who has resigned his Office as a Member of said Committee. Said Bartlet to continue in said Office until October next, or until another Person shall be chosen and sworn in his Room.

October, allowing a Premium of £300 for carrying on said Business, be and is hereby reconsidered.

Resolved that a Committee be appointed to agree with some meet person who will undertake to carry on the printing Business for this State agreeable to a Resolution passed in October last, for carrying on said Business for five years exclusively, who shall be paid for such services annually: the said Printer giving sufficient Surety to such Committee for his faithful Performance:—The Press to be set in such convenient place in the State as the Printer shall chuse:—and no other Premium to be allowed.—The members chosen M^r. Abel Curtis, M^r. Murdock, M^r. E. Curtis, M^r. Tichenor & M^r. Mattucks.—[See *post*, pp. 26, 27, for Report, and *ante*, p. 9.

Resolved, That Warrants be issued, according to Act of the General Assembly, for the collecting of the Provision Tax of 1781; and that Advertisements thereof be published by the Commissary General, in the Albany and Springfield Papers, or in the Vermont Gazette, notifying the delinquents to make Payment accordingly; and setting forth also therein, the Reasons and Necessity therefor.

Attest, THO. TOLMAN, *Dep^y. Sec^y.*

IN COUNCIL, at Arlington, May 22nd. 1783.

Resolved, that Joshua Webb and John Lovell Esq^{rs}. of Rockingham, be, and they are hereby appointed Justices of the Peace within and for the County of Windham, in the Room of Oliver Lovell and ——— Olcott Esq^{rs}. who decline serving in that Office.

Attest, THO. TOLMAN, *Dep^y. Sec^y.*

IN COUNCIL, at Arlington, May 30th. 1783.

Resolved, that Captain Daniel Taylor of Newfane be, and he is hereby appointed Justice of the Peace within and for the County of Windham, in the Room of Luke Knowlton Esq^r who has left this State.

Recognizance.

Personally appeared Abner Chamberlain Esq^r lately appointed Sheriff within and for the County of Orange, and acknowledged himself firmly held and obliged unto the Treasurer of this State, in the full and just Sum of Two Thousand Pounds Lawful Money. for the Payment of which, well and truly to be made, he acknowledges himself, his Heirs and Assigns, firmly bound and obliged. The Condition of this Recognizance is such, that if the above bounden Abner Chamberlain doth in all Things well and truly execute, discharge and perform the Duty and Office of Sheriff within and for the County of Orange aforesaid, so that no Loss or Damage directly or indirectly accrue to the Public of this State, or any Individual through his Neglect of Duty as Sheriff within and for the County aforesaid; and that he continue in the Discharge of all Matters and Things appertaining to his said Office according to Law, until another Person may hereafter be chosen and sworn in his Room, then the above Obligation and Recognizance to be void, otherwise to remain in full Force and virtue.

Attest, THO. TOLMAN, *Dep^y. Sec^y.*

IN COUNCIL, at Arlington, June 24th. 1783.

The Petition of Timothy Phelps, now a Prisoner in the Goal at Bennington, praying this Council to pardon and discharge him from his Sentence of Banishment, and promising future Allegiance and Obedience to the Laws of this State, was read; whereupon

Resolved, that the said Timothy Phelps be, and he is hereby fully pardoned and discharged from the said Sentence of the Superior Court, passed in September last; Provided he pay the Costs of his Commitment, Prosecution, &c.¹

Attest, THO. TOLMAN, *Dep^y. Sec^y.*

¹ See *Appendix C*.

THE SEVENTH COUNCIL.

OCTOBER 1783 TO OCTOBER 1784.

THOMAS CHITTENDEN, Williston, *Governor*.

PAUL SPOONER, Hartland, *Lieutenant Governor*.

Councillors:

JOSEPH BOWKER, Rutland,

TIMOTHY BROWNSON, Sunderland,

MOSES ROBINSON, Bennington,

JONAS FAY, Bennington,

PETER OLCOTT, Norwich,

IRA ALLEN, Colchester,

BENJAMIN EMMONS, Woodstock,

JOHN FASSETT, jr., Arlington,

SAMUEL FLETCHER, Townshend,

JOHN THROOP, Pomfret,

THOMAS PORTER, Tinmouth,

SAMUEL SAFFORD, Bennington.

JOSEPH FAY, Bennington, *Secretary*.

THOMAS TOLMAN, Arlington, *Deputy Secretary*.

LOT HALL, Westminster, *Secretary pro tem*.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT WESTMINSTER,

OCTOBER, 1783.

STATE OF VERMONT, Westminster, Thursday, October 9th. 1783.

Council met according to Constitution.

Present, His Excellency Thomas Chittenden, Esquire, Governor, and the Honorable Peter Olcott, Ira Allen, John Fassett, Samuel Fletcher, Samuel Safford & Thomas Porter, Esquires, Councillors.

Resolved, That the Hon. Ira Allen Esq^r. be appointed Secretary Pro. Temp.¹

¹ From the *Assembly Journal*, Oct. 9, 1783:

After the election of Isaac Tichenor as Speaker and Dr. Roswell Hopkins as Clerk, this entry follows:

The Governor and Council joined the General Assembly in attending divine service which was performed by the reverend Joseph Bullen.

Resolved, that Mr. Olcott, Mr. Safford, Mr. Allen, Mr. Fasset, Mr. Porter and Mr. Fletcher be a Committee to join a Committee from the General Assembly, to receive, sort and count the Suffrages of the Freemen, for Governor, Lieutenant Governor, Treasurer, and Councillors for the Year ensuing, and declare the Persons elected.¹

The Committee of Council and General Assembly, appointed to receive, sort and count the Votes of the Freemen, report the Persons hereafter named to be chosen to the respective Offices as follows, vizt;

His Excellency Thomas Chittenden, Esquire, Governor. His Honor Paul Spooner, Esquire, Lieutenant Governor. The Honorable Ira Allen, Esquire, Treasurer. The Honorable Joseph Bowker, Timothy Brownson, Moses Robinson, Jonas Fay, Peter Olcott, Ira Allen, Benjamin Emmons, Samuel Fletcher, John Fasset, John Throop, Thomas Porter and Samuel Safford, Esq^{rs}. Councillors.

Adjourned to Tomorrow Morning 9 o'Clock.

FRIDAY, October 10th. 1783.

Met according to Adjournment.

His Honor the Lieutenant Governor took his Seat in Council.

Resolved, that a Committee of Three be appointed to join a Committee from the General Assembly, to arrange the Business of the present Session. Members chosen, Mr. Porter, Mr. Safford and Mr. Allen.

Adjourned to Tomorrow Morning 9 o'Clock.²

¹ Messrs. Walbridge, Tichenor, Whipple, Mattocks, Sabin, Harris, Elijah Robinson, of Weathersfield, Jesse Safford, of Woodstock, Loomis, and Baldwin were joined from the Assembly.

² From the *Assembly Journal*, Oct. 10 1783:

A Letter from the Constable of Norwich informing of the Death of one of their Representatives, and requesting Liberty for a new Election, being read;—

Resolved that the freemen of the town of Norwich have Liberty to elect a Representative to attend the present Session of Assembly in the room of Abel Curtis Esq^r dec^d: and that the first Constable of Norwich be directed to warn the Freemen for that purpose.

Resolved that a Committee of three be appointed to prepare an Answer to his Excellency's Speech to the house at the opening of the Session. Committee chosen Mr. Whipple, Mr. Tichenor & Mr. Townsend.—[Mr. Townsend was Secretary of State, not a member of the Assembly.]

This is the only notice of the Governor's speech found on the journals of either House; and the newspapers printed in the State at that time gave no account, either of the speech or of legislative proceedings. A list of state officers and members of each House, judges of the superior court, and agents and delegates to Congress, with a few of the acts, constitute all legislative business that can be found in these newspapers.

ABEL CURTIS of Norwich died Oct. 1 1783, "aged about thirty years;" and yet he had been three times elected a representative in the General Assembly, and had served one term, each, as judge of Windsor county court, and Agent of Vermont at Congress. An obituary notice, in the *Vermont Journal* of Oct. 9 1783, described him as a kind husband; an indulgent parent; an agreeable friend; a charitable, benevolent, and truly honest man; and in every respect a very valuable member of the community.

SATURDAY, October 11th. 1783.

Met according to Adjournment.

Resolved, that His Honor Governor Spooner and Mr. Porter be a Committee to join a Committee from the General Assembly, to consider, and devise some effectual Measures, for the Settlement of a Gospel Ministry, and its Support, &c. and make Report.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to consider on suitable Measures as a Provision for the Discharge of the Debts of this State, & for the Support of Government the Year ensuing, and make Report. Members chosen Mr. Fasset and Mr. Allen.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, on the Consideration of putting the Militia under proper Regulations for the Defence of the State, and make Report. Members chosen. Mr. Fletcher and Olcott.

Adjourned to Monday next, at 10 o'Clock in y^e Morning.

MONDAY, October 13th. 1783.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to prepare, and bring in a New Bill for the regulating of Fees. Member chosen Mr. Safford.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to devise and consider some Mode for settling the Debts of Confiscated Estates, and make Report. Member chosen Mr. Safford.

Adjourned to Tomorrow Morning 9 o'Clock.

TUESDAY, October 14th. 1783.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to revise and amend the Act commonly called the *Tendry Act*, and make Report. Member chosen Mr. Fasset.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to prepare and bring in a Bill for the regulating of the Militia. Members chosen Mr. Olcott and Mr. Fletcher.

Resolved, that Joseph Fay Esq^r. be, and he is hereby appointed Secretary of Council for the Year ensuing.

Adjourned to Tomorrow Morning 9 o'clock.

WEDNESDAY, October 15th. 1783.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to take under their Consideration the present Arrearages of the Provision Taxes, and report their Opinion concerning the Adjustment and Collection of the same. Members chosen Mr. Allen and Mr. Olcott.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to adjust a certain Account exhibited against this State by Stephen R. Bradley, Esq^r. and make Report. Member chosen Mr. Allen.

Adjourned to Tomorrow Morning 9 o'Clock.

THURSDAY, October 16th. 1783.¹

Met according to Adjournment.

Resolved, That Paul Brigham Esq^r of Norwich be, and he is hereby appointed Judge of the County Court for the County of Windsor, in the Room of Abel Curtis Esq^r Deceas'd. And the Clerk of said County Court is hereby directed to enter the Name of the said Paul Brigham in the Commission of the Judges of said Court.

Resolved, That John Shumaway and Timothy Brown, both of Dorset in the County of Bennington, be and they hereby are appointed Justices of the Peace within and for said County, in the Room of John Strong and Abraham Underhill, Esq^{rs} resigned. Ordered, that the Clerk of the County Court of said County enter their Names in the Commission of Justices of said County accordingly.

The following Bill was received from the General Assembly and read, and ordered to be entered on the Journals of Council, viz^t:

IN GENERAL ASSEMBLY, October 14th. 1783.

Resolved, that the *second Thursday* in November next be set apart as a Day of Public Thanksgiving to Almighty GOD, And that His Excellency the Governor be requested to issue his Proclamation for the due Observance thereof.

Extract from the Journals.

LEM. CHIPMAN, Clerk [*pro tem.*]

Resolved, that a Committee be appointed to join a Committee from the General Assembly, on the Petition of Nehemiah Lovell on Behalf of the Inhabitants of Corinth; and the Petition of James Gilchrist on Behalf of the Inhabitants of Ryegate, severally praying Leave to lay a Land Tax in said Townships, for the Purpose of making Roads, building Bridges, &c. and make Report. Member chosen Mr. Porter.

Adjourned to Tomorrow Morning 9 o'Clock.

FRIDAY, October 17th. 1783.

Met according to Adjournment.

The Council joined the General Assembly on the 14th. Instant for the Choice of Judges of the Superior Court for the Year ensuing, and the Ballots being taken the following Persons were declared chosen, viz^t;

¹ From the *Assembly Journal*, Oct. 16 1783:

The Committee appointed in February Session last to agree with some proper person or persons to carry on the Business of printing in this State—reported that in consequence of their Appointment the major part of the Committee immediately entered into an Agreement with Mr. George Hough of Norwich in Connecticut in behalf of himself and Mr. Alden Spooner.—[See Vol II, p. 12.] That the said Hough and Spooner did agree with the said Committee to undertake and faithfully perform and carry on the printing Business for the State of Vermont for the term of five Years from the 5th. day of March 1783 in some convenient Town in this State at a reasonable Price—And that the said Committee on behalf of the Legislature of this State agreeable to their Resolution in February last for the purpose aforesaid did covenant and agree that the said Hough and Spooner shall have the exclusive right and privilege of performing the whole of said printing Business for this State for the aforesaid Term of five Years from the date above mentioned, and shall be paid for such Services annually—the said Printers becoming sufficiently obligated to the said Committee for the faithful Performance of said printing Business. Which report being read—Resolved that the further Consideration be postponed until tomorrow Morning.

The Hon^{ble}. Moses Robinson, Esq^r. Chief Judge. The Honorable Paul Spooner, Thomas Porter, Peter Olcott and John Fasset Esq^{rs}. Side Judges,¹ who being present were duly qualified to the Office.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to take into further consideration the Arrearages of the Provision Taxes, & make Report. Member chosen Mr. Fletcher.

An Act entitled "An Act to enable Towns and Parishes to build Meeting Houses, & support Ministers of the Gospel," having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

Resolved, that His Honor Lieutenant Governor Spooner be, and he is hereby appointed to attend upon the Settlement of Public Accounts with Nathaniel Robinson Esq^r.

Resolved, that a Committee be appointed to join a Committee of the General Assembly, to prepare and bring in a Bill for the Purposes mentioned in the 7th Article of the Arrangement of Business. Member chosen Mr. Porter.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, on the Petition of Leonard Spaulding, and make Report. Member chosen Mr. Safford.²

Adjourned to Tomorrow Morning 6 o'Clock.

SATURDAY, October 18th. 1783.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to make an Arrangement of the Officers of Gov-

¹ The rank of the Side, or Assistant Judges, was as follows, viz^t; John Fasset, Paul Spooner, Peter Olcott and Thomas Porter.

² Spaulding's petition was for relief in a suit brought against him, as Commissioner of Sequestration, by Jonas Clarke.

From the *Assembly Journal*, Oct. 17, 1783:

The report of the Committee appointed in the last Session of Assembly to procure persons to carry on the Business of printing in this State, being again read—Resolved that the same be accepted and that a Bill in form be brought in thereon.

It being represented to this House that Mess^{rs}. Haswell & Russell [publishers of the *Vermont Gazette*, Bennington,] have printed one hundred and fifty Copies of such Laws of this State as have heretofore been revised—Resolved that upon the said Printers delivering over to the Secretary [of State] the said Copies, the Committee of Pay-table be directed to give said Haswell and Russell an Order upon the Treasury for such sum as said Committee shall judge a meet reward for the said Service—And that the Secretary be directed to send said Copies to the several Sheriffs for publication [distribution] as soon as may be.

Hough & Spooner of the *Journal* at Windsor, and Haswell & Russell of the *Gazette* at Bennington, were the only printers in the State until Matthew Lyon started the *Farmers' Library* at Fairhaven in 1793. The newspaper at Rutland in 1792 was started by Anthony Haswell of the Bennington *Gazette*. It will be found that state patronage was given to both of the presses established in 1783; in fact at the same time when this contract for printing for five years was given to Hough & Spooner, the General Assembly granted a lottery to Haswell & Russell, to raise two hundred pounds for the establishment of a paper-mill.

ernment. Members chosen Mr. Fasset and His Honor The Lieutenant Governor.

A Petition of Simon Stevens was read, praying the Remission of a certain Fine imposed on him by a Judgment of the Supreme Court; whereupon, Resolved, that Ten Pounds of said Fine be, and hereby is remitted.

Resolved, that the Prayer of the Petition of Thomas Cutler, in Behalf of Isaac Weld and Simeon Ferrel of Guilford, be granted.¹

The Honorable John Throop Esq^r. appeared, and being duly qualified by Oath to the Office of Councillor, took his Seat at the Board accordingly.

The Petition of ——— Brigham and others was read, whereupon, Resolved, that no Petition big with such charges of Injustice and Partiality ought to be received, or acted upon by the Legislature of Vermont.

Adjourned to Monday next, 9 o'Clock in y^e Morn'g.

MONDAY, October 20th. 1783.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee of the General Assembly, to take into Consideration the Right of the District of Ira to be represented in the General Assembly, and make Report. Member chosen His Honor the Lieut^g Governor.

Resolved, that the Treasurer be directed to pay unto Judah P. Spooner, the Sum of *Five Pounds Twelve Shillings and Six Pence Lawful Money*, (for Printing *Three Hundred Copies of Laws*) out of the Two-Penny Tax of 1782. £5 12 6.

An Act empowering unto, and approving of, and directing the Sale of a part of the real Estate of George Nichols, late of [Tinnmouth.] Deceased, having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

Adjourned to Tomorrow Morning, 9 o'Clock.²

¹Stevens, Weld, and Ferrel were among the persons commissioned by Gov. Clinton in June 1782, and the fines had been imposed for the acceptance of Clinton's commissions. Weld took the oath of allegiance to Vermont in open court, on the conclusion of his trial; and Stevens and Ferrel had of course taken the oath previous to this action of the Governor and Council; indeed Stevens represented Springfield in the Assembly at this time.

²From the *Assembly Journal*, Oct. 20 1783:

The Committee appointed to take into Consideration the Memorial of his Excellency reported the following Resolutions viz^t

Resolved that his Excellency's Salary from October 1778 to October 1779 be one hundred Pounds lawful Money, and that he be allowed the Sum of twenty Pounds lawful Money for services mentioned in a Memorial of his Excellency dated 29th September 1783, and that the Treasurer be and he is hereby directed to pay the same accordingly.

And with respect to the mode of paying his Excellency's Salary for the two years last past,

Resolved that the Salary for the Year 1781, which is £200 lawful Money, and the Salary for the Year 1782, which is £150, being £350,

TUESDAY, October 21st 1783.

Met according to Adjournment.

Resolved, that Thomas Taggart of Halifax in the County of Windham be, and he is hereby appointed a Justice of the Peace within and for said County, in the Room of Benj^a. Henry resigned. Ordered, that the Clerk of the County Court of said County enter the Name of the said Thomas Taggart in the Commission of the Justices of said County.

An Act entitled "An Act in addition to an Act entitled an Act respecting Counterfeit Money," passed in October 1782, at Manchester, having passed the General Assembly, was received and read, and on the Question to concur with the same, it passed in the Affirmative.

An Act entitled "An Act in addition to an Act entitled an Act against counterfeiting Bills of Public Credit, Coins, or Currencies, and emitting and passing Bills or Notes on Private Credit, and preventing Injustice in passing Counterfeit Bills," having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

A Bill from the General Assembly was received and read, purporting a Request to join a Committee of Council, for the Purpose of framing a Bill to be enacted into a Law, to prevent the Return of Inimical Persons into the State; whereupon

Resolved, that as the Provisional Treaty of Peace stipulates that Congress recommend to the several States to pass Acts permitting those who have gone from among them to return for a limited Time—That Congress, for Reasons best known to themselves, have neglected passing such Recommendations—That none of the United States have, to our Knowledge, since Peace took place, passed any Public Act respecting the Return of inimical Persons—That by the latest Accounts from Europe, the Completion of the Definitive Treaty was procrastinated—That for this State, considering her Situation—under the Disadvantage she is to have foreign Intelligence, to lead the United States in these Matters, appears premature: This Council therefore are unanimously of Opinion, that no Act be passed at this Session respecting inimical Persons.¹

The following Bill was received and read, and ordered to be entered on the Journals, viz;

IN GENERAL ASSEMBLY, Oct^r 21st 1783.

Resolved, that His Excellency be requested to grant a Passport to Charles Phelps, Esq^r to come to this Assembly, now sitting at Westmin-

lawful money in the whole, be paid the one half in forfeited rights of Land in the town of Carthage, at nine pounds per right, and the other half in State notes given by the Treas^r.

Which report being read was accepted.

¹On receiving this resolution of the Governor and Council, the following entry was made in the *Assembly Journal* of Oct. 22:

The Objections of the Council to joining a Committee from this House for the purpose of forming an Act to prevent the Return of inimical Persons into this State, being read, Whereupon Resolved that his Excellency the Governor be and hereby is requested to omit giving any persons within the Enemy's Lines who have been deemed Enemies to this and the United States, a permit to return and be in any part of this State, until the further Order of this House thereon.

ster, and return unmolested, under such Restrictions as His Excellency shall think proper.

Extract from the Journals.

LEM. CHIPMAN, *Clerk P. T.*

Upon which the following Passport was granted, vizt;

By His Excellency Thomas Chittenden, Esquire, Governor, &c. &c.

A PASSPORT.¹

In Pursuance of a Resolution of the General Assembly of this Day requesting me to grant a Passport to Charles Phelps, Esq^r to come to said Assembly now sitting at Westminster, and return unmolested, under such Restrictions as I shall think proper; Liberty is hereby granted to Charles Phelps, Esq^r to pass unmolested from Walpole to s^d. Assembly now sitting at Westminster—there to remain during my Pleasure; then to return from thence to said Walpole. And all Persons within this State are to take Notice hereof, and Govern themselves accordingly.

THOMAS CHITTENDEN.

Westminster, Oct^r 21st. 1783.

Adjourned to Tomorrow Morning 9 o'Clock.

WEDNESDAY, October 22nd. 1783.

Met according to Adjournment.

Resolved, that the Treasurer be directed to pay unto Mess^{rs}. Hough and Spooner Printers, Eleven Pounds Five Shillings and Six Pence Lawful Money, for Services to the Public in Printing. £11 5 6.

On receiving Official Information from Stephen Row Bradley, Esq^r of his Resignation of the Office of Side, or Assistant Judge of the County Court of the County of Windham, Resolved, that the same be accepted.

An Act altering the Time for holding the County Court in the County of Rutland, having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

An Act empowering unto, and approving of a Sale of a Part of the real Estate of Simeon Burke, deceased, having passed the House, was received and read, and on the Question to concur therein, it passed in the Affirmative.

Adjourned to Tomorrow Morning 9 o'Clock.

THURSDAY, October 23rd. 1783.

Met according to Adjournment.

An Act for the Purpose of enabling the Surveyor General to compleat a Survey of the Town-Lines of this State, having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

An Act confirming the Title to a certain Right of Land in Poultney to John Ashley, was received and read, having passed the General Assembly, and on the Question to concur therein, it passed in the Affirmative.

An Act empowering the several Courts in this State to try, and a final Determination make of a Cause or Action now pending before the County Court for the County of Windham, between Mary Whipple, Administratrix on the Estate of Daniel Whipple Deceased, and Rachel Chaffee Administratrix on the Estate of Atherton Chaffee Deceased, for

¹ See *Appendix C.*

Lands in Westminster, having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

An Act for the Repeal of an Act entitled "An Act in addition to an Act entitled an Act for licensing Houses of Public Entertainment, or Taverns, and for suppressing unlicensed Houses," passed at Manchester in October last, having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

An Act empowering the Commissary General to give his Extents for collecting the Provision Taxes granted in 1780 and 1781, having passed the House, was received and read, and on the Question to concur therein, it passed in the Affirmative.

An Act granting an Abatement on the Provision Tax of 1781 to the Town of Halifax, having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

An Act entitled "An Act to prevent the Inhabitants of New-York being allowed greater Priviledges within this State, than the Inhabitants of this State are allowed within the State of New-York," having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to take under their Consideration Measures for quieting Ancient Settlers, and prepare and bring in a Bill for the Purpose, to be laid before the General Assembly, at their next Session. Members chosen Mr. Allen, Mr. Fasset and Mr. Safford.¹

An Act to prevent the unlimited spreading of the Small Pox by Inoculation, or otherwise, having passed the General Assembly, was received and read, and on the Question to concur therein, a motion was made and seconded, that it be recommended to the General Assembly that said Act ly over, for further Consideration, to the next Session, and on the Question to agree to the last Motion, it passed in the Affirmative.

An Act entitled "An Act for qualifying Chainmen," having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

An Act entitled "An Act directing the Form of Bills of Abatement on State Taxes," having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

An Act entitled "An Act directing Town Clerks to return the Names of the first Constables of their respective Towns, to the Treasurer of the State," having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

An Act entitled "An Act declaring a Time when to begin the Settlement of New Lands, which Settlement has been prevented by the late War between Great Britain and America," having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

Adjourned to Tomorrow Morning 9 o'Clock.

FRIDAY, October 24th. 1783.

Met according to Adjournment.

An Act, further to continue the Laws passed by the Legislature of this State, having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

¹ See Appendix E.

An Act for the purpose of levying the respective Taxes therein contained, and directing and regulating the Mode for collecting the same, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

An Act for the regulating of Fees, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

An Act for the Purpose of raising One Hundred able, effective Men, to assist the Sheriff, or Civil Authority in carrying into Execution the Laws of this State in the Southerly Part of the County of Windham, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.¹

An Act in addition to an Act regulating Proprietors' Meetings, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

An Act against Polygamy and Adultery, having passed the General Assembly, was received and read, and on the Question to concur therein, it passed in the Affirmative.

An Act for the Partition of Lands, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

Resolved, that the Honorable Samuel Fletcher Esq^r. be, and he is hereby appointed a Judge of the County Court for the County of Windham, in the Room of Mr. Bridgman, resigned. Ordered, that the Clerk of the County Court of said County, enter the Name of the said Samuel Fletcher in the Commission of the Judges of said Court, accordingly.

Resolved, that Jonaⁿ. Hunt Esq^r. be, and he is hereby appointed a Judge of the County Court for the County of Windham, in the Room of Stephen R. Bradley, resigned. Ordered, that the Clerk of the County Court of said County enter the Name of the said John [Jonathan] Hunt in the Commission of the Judges of said Court, accordingly.

Resolved, that the Treasurer be directed to pay unto

Judge Spooner, Twelve Pounds,	£12	0	0
d ^o . Fasset, Twelve Pounds,	12	0	0
d ^o . Porter, Eight Pounds,	8	0	0
d ^o . Fay, Four Pounds,	4	0	0
d ^o . Robinson, Twelve Pounds,	12	0	0
d ^o . Olcott, Twelve Pounds,	12	0	0

£60 0 0

all in Hard Money, to be charged to them respectively on their Pay as Judges of the Supreme Court.

An Act empowering unto, and approving of the Sale of a Part of the real Estate of Jesse Newell deceased, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

Resolved, that Paul Brigham Esq^r. be, and he is hereby appointed a Justice of the Peace within and for the County of Windsor in the Room of Abel Curtis Esq^r. deceased. Ordered, that the Clerk of said County enter the Name of the said Paul Brigham in the Commission of the Justices of said County, accordingly.

Resolved, that Ira Allen Esq^r. Surveyor General be, and hereby is empowered and directed to dispose of a Township of Land granted to Major Timothy Woodbridge and Associates, by the Legislature, in October, 1781—That the lowest Price be Eight pounds per Right, and that

¹See *Appendix C*.

they be sold for as much more as they will fetch—That the Avails be applied to the Use of purchasing Stores, &c. for the purpose of surveying Town Lines in this State; and that the Surveyor General be accountable for said Lands, at the Price he may sell them at, in the Settlement of Accounts for running Town Lines, agreeable to the Laws of this State.¹

Resolved, That in pursuance of, and agreeable to an Act of the Legislature, Col^o. Ira Allen be, and hereby is fully authorized and empowered to hire Money, or purchase Stores, for the Purpose of surveying the Town-Lines of this State, and to pledge the Faith of this State for the Discharge of any such Debts contracted by him, and this State will be accountable for the Fulfillment of all Contracts by him made in Behalf of this State—The said Allen to be accountable for all Money hired, or Stores purchased as aforesaid in the Settlement of Accounts for running Town-Lines, agreeable to the Laws of this State.

Resolved, that Ira Allen Esq^r. Surveyor General be, and hereby is empowered to draw on the Treasurer, for the Sum of Three Hundred Pounds, on a Tax granted by the General Assembly at their Session in October 1783, of Three pence on the Pound—That the Surveyor General apply the same to pay Debts contracted for running Town-Lines the present year, and to procure Stores for the Use of Running Town-Lines the ensuing year, and be accountable for the same in settling the Accounts of the State.

Resolved, that Ira Allen Esq^r. Surveyor General be, and he is hereby empowered and directed to dispose of Thirty Five Rights of Land in the Town of *Carthage*, [Jay,] at Eight Pounds per Right as the lowest Price and as much more as he can; Accounting with the State at the Price such Rights are sold at. That the Avails be applied to the Use of procuring Stores, &c. for Running Town-Lines the ensuing Year; and that the Surveyor General be accountable for the same, in the Settlement of Accounts of Running Town-Lines, agreeable to the Laws of this State.

Adjourned without Day.

LOT HALL, *Sec^y. Pro. Tem.*

Attest, THOMAS TOLMAN, *Dep^y. Sec^y.*

END OF OCTOBER SESSION, 1783.

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION AT BENNINGTON, NOVEMBER 26 1783.

IN COUNCIL at Bennington, November 26th. 1783.

Present, His Excellency Thomas Chittenden, Esq^r. Governor. The Honorable Moses Robinson, Timothy Brownson, Jonas Fay, John Fasset, Ira Allen and Samuel Safford, Esq^{rs}. Councillors.

¹ By the authority of this and other resolutions, Allen took the township of Woodbridge for himself, out of which a controversy arose that resulted in the defeat of Gov. Chittenden in 1789.—See *Appendix H*.

Resolved, that Jonathan Brace Esq^r be, and he hereby is appointed a Justice of the Peace within and for the County of Bennington, for the Time being, in the Room of Major Gideon Ormsbee who declines serving in that Office.

Resolved, that Major Gideon Brownson be, and he is hereby appointed a Judge of the County Court for the County of Bennington, for the Time being, in the Room of Jon^a. Brace Esq^r who declines accepting that Office.

Resolved, that Mr. John White be, and he is hereby appointed a Judge of the County Court for the County of Bennington, in the Room of John Strong Esq^r who has removed out of the County.¹ Ordered, that the Clerk of said County Court enter the Names of the said Jon^a. Brace, Gideon Brownson and John White in the respective Commissions of Judges and Justices, accordingly.

Resolved, that Mr. Samuel Sherman be paid *Nine Shillings per week* out of the Public Treasury, for riding Post, carrying and bringing the Public Intelligence to, & from this to Albany, until the sitting of the General Assembly in February next;—He to be accountable for all the Money he shall receive as Postage on Letters, which is to be deducted from the Nine Shillings per week, & to be accepted by him in Part Payment thereof; and that Orders be drawn on the Treasurer therefor, to be paid out of the *Three Penny Tax*.²

Resolved, that Ira Allen Esq^r Surveyor General be, and he is hereby empowered to draw on the Treasurer for the Sum of *Twelve Pounds* to be advanced out of the *Two penny Tax* granted in October 1782; and that the said Surveyor General be accountable for the same on account of Expenses for Stores, &c. in surveying Town Lines the ensuing Year, agreeable to Act of Assembly.

An Order passed the Council this Day, requesting His Excellency the Governor to make out a Charter of Incorporation of the Township of Cambridge, agreeable to certain described Bounds; which Bounds, together with a Resolution of Council thereon, are ordered to remain on the Files in the Secretary's Office.

Attest, THO. TOLMAN, *Dep^y. Sec^y.*

¹ Judge Strong had returned to his homestead in Addison, from which he had been taken by the British in 1777.—See Vol. II, p. 106, note.

² The *Vermont Gazette* of Nov. 27 1783 contained the following:

His Excellency the Governor with the Hon. Council of this State having seen fit to establish a post rider to go weekly from this town [Bennington] to Albany, [N. Y.,] the public are hereby informed that the post office business will be transacted at the Printing Office, and the greatest care will be taken to forward letters, &c. &c. as expeditiously as possible. Postage will be under the same regulations as in the United States; the postage of all letters directed to persons out of the State, must be paid at the time of leaving them at the office, as far as Albany.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

ADJOURNED SESSION WITH THE GENERAL ASSEMBLY,

AT BENNINGTON, FEBRUARY AND MARCH 1784.

STATE OF VERMONT. BENNINGTON, Thursday, February 19th. 1784.

Council met, agreeable to the Adjournment of the General Assembly in October last.

Present, His Excellency Thomas Chittenden, Esqr Governor. The Honorable Moses Robinson, Tim^o. Brownson, Joseph Bowker, Jonas Fay, Sam^l Safford & John Fasset Jr. Esq^{rs}. Councillors.

Adjourned to Tomorrow Morning, 9 o'Clock.

FRIDAY, February 20th. 1784.

Met according to Adjournment.

The Honorable Ira Allen attended, & took his Seat in Council.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to take into Consideration the Mode of passing Public Bills and Acts into Law—of laying them before both Houses; and the Mode of recording them regularly after passing, and make Report. Members chosen Mr. Fasset and Mr. Robinson.¹

¹ Messrs. Lyon, Tichenor, Townsend, [Secretary of State,] Chipman, [Lemuel,] and Weld were joined from the House. This resolution resulted in the following act—an important one, as it advanced, as far as the constitution would then permit, toward making the two Houses co-ordinate in their powers of legislation.

AN ACT directing the form of passing Laws.

Be it enacted, &c. that when the Governor and Council shall lay any bill before the General Assembly, and the same shall be passed by the Assembly without amendment, the Council shall be informed thereof by a written message; and the same shall be considered and recorded as a law of this State.

That when a bill shall originate in, and be agreed to by, the Assembly, it shall be sent to the Governor and Council for their perusal and proposals of amendment; and if no amendment shall be by them proposed within three days, or before the adjournment or rising of the Legislature, the said bill shall be returned to the Assembly, and passed into and recorded as a law. And if amendments shall be proposed to any bill, and the Assembly concur therein, the Council shall be informed thereof by a written message; and the said bill shall then be a law. But if all or a part of the proposed amendments shall not be concurred in by the Assembly (the reasons for which amendments shall be given verbally, or in writing) the bill shall be returned to the Council, and the reasons of such non-concurrence be given, either verbally or in writing,

The Honorable Samuel Fletcher Esqr attended, & took his Seat in Council.

Colonel Elijah Robinson delivered a verbal Message from the General Assembly to the following Purport,—“That there wants five Members of a Quorum of the General Assembly for Business—That the Members present wish to know of His Excellency and Council whether they would lay before them any Papers, or advise the Transaction of any Business, as preliminary to legal Acts or Laws that may be passed the present Session.” Whereupon,

Resolved, that the Governor and Council have no Papers to lay before the Members of Assembly that appear to be a Means of facilitating Business, for the present. At the same Time, that it may be proper, as there is so nearly a Quorum, to appoint a Committee of Members to join a Committee of Council, to consider on the Arrangement of the Business of the present Session, and be in readiness to report as soon as there may be a Quorum,—if the Members present concur with the Council in the Propriety of the Measure. Resolved, that Mr. Brownson and Mr. Robinson be a Committee to deliver the foregoing Resolution.

Notice being given that there was a Quorum of the General Assembly for Business, the Council attended, and His Excellency the Governor, having taken the Chair, laid before the General Assembly sundry Letters, with Copies of Answers, which were read in order.¹

Resolved, that a Committee be appointed to join a Committee from the General Assembly, “to arrange the necessary Business of the present Session, and make Report.” Members chosen Mr. Fletcher, Mr. Allen & Mr. Safford.

Adjourned to Tomorrow Morning, 9 o’Clock.

SATURDAY, February 21st. 1784.

Met according to Adjournment.

A Bill from the General Assembly, appointing a Committee of Five to join a Committee of Council, to take into consideration, and prepare a Bill for Taxing the unimproved Lands in this State, for the Purpose of building Roads, Bridges, &c. was received and read; and the Council having taken the Subject thereof into Consideration, are of Opinion that

that the Council may, if they shall think proper, proceed further thereon. And if the Council shall not, within three days, or before the rising of the Legislature, propose further amendments which shall be agreed to by the Assembly, the said bill shall be returned to the Assembly, and considered and recorded as a law.

And be it further enacted, that if it shall so happen that the Council and Assembly cannot separately agree upon a bill, when amendments shall be so proposed as aforesaid, they shall meet in grand committee, in order that the wisdom of both Houses may be properly obtained; after the dissolution of which committee, the Assembly shall take them into consideration, and proceed as is above mentioned.

And be it further enacted, that all bills remaining with the Council at the rising or adjournment of the Legislature, at every sitting thereof, shall by the Council be delivered to the Secretary of the State.

¹ See *Appendix C*.

a General Act of that Nature would be attended with evil consequences, and prove detrimental to the Public in general.¹

Adjourned to Monday next, 9 o'Clock in the Morning.

MONDAY, February 23rd. 1784.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to take under consideration some effectual Measures for the Settlement of confiscated Estates, and the Payment of Debts & Demands on the same, and make Report. Member chosen Mr. Fletcher.

Resolved, that a Committee be appointed to join a Committee of Nine from the General Assembly, on the Subject of Quieting Ancient Settlors, and opening Land Trials, and make Report. Members chosen Mr. Bowker and Mr. Fay.

A Letter signed James Martin, Emanuel Case, George Hubbard and Nathaniel Weston, was read, requesting that the Trial of Colonel Barrett be postponed.—Ordered, that the said Letter be put on File.²

Adjourned to Tomorrow Morning, 9 o'Clock.

TUESDAY, February 24th. 1784.

Met according to Adjournment.

Resolved, that a Committee of two be appointed to join a Committee from the General Assembly, to consider and report upon the most effectual Measures for the securing and settling all the small Islands in Lake Champlain, East of the deepest Channel. Members chosen Mr. Allen and Mr. Safford.

Resolved, that this Council recommend to the General Assembly to take into consideration, the Expediency of continuing the Number of Men now in Service at Guilford, and if it appears that there are a greater Number than the Service requires, to give order for their Dismission.³

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to take under consideration the Expediency of continuing the Number of Men now in Service at Guilford, & report. Member chosen Mr. Fletcher.

Resolved, that a Committee be appointed to join a Committee appointed by the General Assembly, on the Petition of Maj^r Gideon

¹ When this message was read in the Assembly, it was "resolved that the said Committee proceed according to their appointment notwithstanding the above opinion of Council."

² The General Assembly, by a resolution adopted Oct. 16 1783, impeached John Barrett, a justice of the peace for the County of Windsor, "for mal-administration in said office," and authorized Stephen R. Bradley to prosecute said Barrett "by impeaching him before the Governor and Council to final Judgment—for mal-administration." Trial was suspended, and on the 2d of March the Assembly resolved that the pending impeachment "virtually suspended" Barrett "from officiating in his office."

³ See *Appendix C* for this resolution as it was transmitted to the Assembly.

Brownson and John Fasset Esq^r, and report thereon. Member chosen Mr. Robinson.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on the Petition of William Shattuck, and report thereon. Member chosen Mr. Brownson.¹

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on a Petition signed Samuel Rice, and report thereon. Member chosen Mr. Safford.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on a Petition from the First Society in Manchester, and report thereon. Member chosen Mr. Robinson.

Adjourned to Tomorrow Morning, 9 o'Clock.

WEDNESDAY, February 25th. 1784.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to prepare, & bring in an Amendment to an Act relating to negociable Notes. Member chosen Mr. Fasset.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to take into consideration some effectual Measures for adjusting the Cost of 300 Men raised in the Year 1782, and report. Member chosen Mr. Allen.

An Act directing the Form of passing Laws, & recording the same, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

Resolved, that it is hereby proposed and recommended to the General Assembly to direct the Secretary of State to make out Copies of the Resolutions of the General Assembly, and deliver them to the Governor in Council.

Adjourned to Tomorrow Morning, 9 o'Clock.

THURSDAY, February 26th. 1784.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to prepare an addition to an Act entitled "an act for regulating Civil Actions," and report; Member chosen Mr. Fasset.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to consider upon proper Instructions to be given to the Treasurer respecting the Payment of Interest due on Public Securities, and report. Member chosen Mr. Robinson.

Resolved, that a Committee join a Committee appointed from the General Assembly, to consider upon an Amendment of an Act entitled "An Act for disposing of transient Persons," and report. Member chosen Mr. Olcott.

On the Request of Mr. Smith, in Behalf of Mr. Guild and Mr. Young, for an Alteration of the Lines of Guildhall and Lunenburg,

Resolved, that Mr. Robinson and His Honor the Lieutenant Governor be a Committee, to make a verbal Request to the General Assembly in behalf of the Petition, and inform of the further Evidence that appears in favour of an Alteration being made.

¹ See *Appendix C*.

Resolved, that a Committee join a Committee appointed by the General Assembly, to take under Consideration the Modes of Taxation, and make Report. Member chosen Mr. Safford.

Resolved, that a Committee join a Committee appointed from the General Assembly, on a Petition signed Charles Phelps,¹ and report thereon. Members chosen Mr. Safford and Mr. Fletcher.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on the Petition of Oliver Waters, and report. Member chosen Mr. Allen.¹

Adjourned to Tomorrow Morning, 9 o'Clock.

FRIDAY, February 27th. 1784.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to instruct the Collectors of the Land-Tax, laid in October 1783, and to prolong the Time of Settlement with the Treasurer for said Tax, and report thereon. Member chosen Mr. Brownson.

Resolved, that John Strong Esq^r. be, and he is hereby appointed a Judge of the County Court for the County of Rutland, in the Room of Thomas Porter Esq^r. who is elected one of the Judges of the Superior Court. Ordered, that the Clerk of the County Court of said County enter the Name of the said John Strong in the Commission of the Judges of said County, accordingly.

An Act incorporating the Congregational Society in the Town of Manchester, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

An Order in favour of Hough and Spooner for the Sum of Eleven Pounds was presented to the Council, having been passed by the Committee of Pay-Table and an Order thereon drawn on the 2^d. Tax, requesting that the said Order might be altered from the 2^d. to the 3^d. Tax, whereupon

Resolved, that the Governor be requested to make the said Alteration.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on a Petition from the Selectmen of Shaftsbury, and report thereon. Member chosen Mr. Emmons.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to consider the Petition of the Inhabitants of Wells and other Towns, praying to be incorporated into a separate Town, and report thereon. Member chosen Mr. Brownson.

Two Petitions were received and read, one from a Number of the Inhabitants of Wells, and one other from Jehiel Beardsley, remonstrating against the Prayer of the Petition of the Inhabitants of Wells and other Towns, last above mentioned, being granted,—Ordered that they be referred to the same Committee.

The following Bill was received from the General Assembly and read, and ordered to be entered on the Journals of Council, which is as follows, *viz*;

STATE OF VERMONT, IN GENERAL ASSEMBLY, Feb^y. 27th. 1784.

Resolved, that the Treasurer be, and he is hereby directed to suspend his Extents against the Collectors for the Land-Tax granted in October 1783, until the first day of June next.

Extract from the Journals.

ROSWELL HOPKINS, *Clerk*.

¹ See *Appendix C*.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on the Petition of Nathan Leonard, and report thereon; Member chosen Mr. Bowker.

An Act discharging Charles Phelps Esq^r. from Imprisonment, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

And the said Charles Phelps, being admitted to a personal Appearance before the Council, did voluntarily take the Oath of Allegiance and Fidelity to the State of Vermont.¹

Adjourned to Tomorrow Morning 9 o'Clock.

SATURDAY, February 28th. 1784.

Met according to Adjournment.

Resolved, that Mr. Safford be appointed to take the Place of Mr. Olcott on the Committee of which he was appointed a Member the 26th instant.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on a Petition of the County of Orange, and report thereon. Member chosen Mr. Olcott.

A Committee from the General Assembly informed the Governor and Council that *that* House was ready to take up the Dispute concerning the Validity of the Charters of *Wilmington* and *Draper*, whereupon the Governor and Council proceeded to the House, and after having heard the Pleas on both sides,

Resolved, that the Governor and Council and General Assembly take further Cognizance of the said Cause, and try the same; and that the 7th. Day of the Session of the General Assembly in October next, be assigned for that Purpose.

A Question arising with respect to the Mode of determining on this Cause—whether by the Governor and Council and General Assembly conjointly, or by separate Determination, a Motion was made by Mr. Allen, that the Council withdraw [from the joint assembly] for further Deliberation on the Subject,—Council withdrew accordingly to the Council Room.²

The County Officers of Orange County having made a Resignation of their respective Offices,

Resolved, that the same be accepted, on condition that all those Officers who were elected previous to the Dissolution of the Union, on the West Side of Connecticut River, continue to serve in their respective Offices until a County Election can be had, or others chosen and sworn in their Room.

¹ See *Appendix C*.

² From the *Assembly Journal*, Feb. 28 1784:

Resolved that a Committee of five be appointed to take into consideration the mode of proceeding of his Excellency the Governor the Council and the House of Representatives in cases of equity and make report.—The members chosen Mr. Strong, Mr. Robinson, Mr. Walbridge, Mr. Lyon and Mr. Mattucks.

A bill entitled “an act to continue the causes which are or may be depending between the proprietors of *Wilmington* and *Draper*” was read and accepted and sent to the governor and council for perusal and proposals of amendment,—[Concurred in by the Governor and Council, March 1.]

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on the Petition of the Selectmen of the Town of Arlington, and report thereon. Member chosen Mr. Throop.

Resolved, that the State's Attorney for the County of Windham be, and he is hereby directed to suspend collecting the Fines against the following Persons, until further Order. viz^t: Cyrel Carpenter, Edward Carpenter, Amos Yaw Jr. Shubael Bullock, Elijah Curtis, Asaph Carpenter, Joseph Chamberlain and David Thurber.¹

Adjourned to Monday next, 9 o'Clock in the Morning.

MONDAY, March 1st 1784.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on a Petition signed Joel Abbott, and report thereon. Member chosen Mr. Porter.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on a Request of General Allen for the Payment of £78—for Printing a Number of Pamphlets for the Use of this State, for which Sum of £78 he gave his own promisory Note of Hand to the Printers in Hartford, and report thereon. Member chosen Mr. Throop.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on the Petition of Nathaniel Seaver, and report thereon. Member chosen Mr. Bowker.

An Act for continuing the Action between Wilmington and Draper, having passed the General Assembly, was received and read; and the Question being put whether the same be concurred, it passed in the Affirmative.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on the Petition from the County of Orange, and report. Members chosen Mr. Olcott and Mr. Emmons.

The following Bill was received from the General Assembly and read, and ordered to be entered on the Journals of Council, viz^t;

IN GENERAL ASSEMBLY, March 1st 1784.

Resolved, that the *second Wednesday of April* next be, and is hereby set apart to be observed as a Day of Public *Fasting and Prayer* throughout this State—And His Excellency the Governor is hereby requested to issue his Proclamation accordingly.

Extract from the Journals.

ROSWELL HOPKINS, Clerk.

An Act dividing the Town of Woodstock into two Parishes, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

An Act empowering Ira Allen to sell the Estate of Major Heber Allen deceased, having passed the House, was received and read; and on the Question to concur therein, it passed in the Affirmative.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on the Petitions of the Selectmen of the Towns of Wells and Rupert respectively, praying for an Abatement of their Provision Taxes, and report. Member chosen Mr. Throop.

An Act empowering the Governor and Council to appoint Justices of the Peace in new towns, having passed the General Assembly, was received and read, and on the Question to concur, it passed in the Affirmative.

Adjourned to Tomorrow Morning, 9 o'Clock.

¹See Appendix C.

TUESDAY, March 2nd. 1784.

Met according to Adjournment.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to point out the Mode of Proceeding of His Excellency the Governor, the Honorable Council, and House of Assembly in Cases of Equity. Members chosen Mr. Spooner and Mr. Robinson.

Resolved, that upon the Recommittment of the Affair of Guildhall and Lunenburg, a Committee be appointed to join a Committee appointed by the General Assembly, and report thereon. Members chosen Mr. Olcott and Mr. Fasset.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on the Petition of Joseph Farnsworth Esq^r. Commissary General, and report thereon. Member chosen Mr. Bowker.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, on the Petition of Moses Warren, and report thereon. Member chosen Mr. Throop.

An Act to prevent the unlimited Spread of the Small Pox, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

Resolved, that a Committee be appointed to join a Committee from the General Assembly, to consider on the Request of Major Tyler, for New Instructions to be given to the Committee formerly appointed for the sale of certain Lands in Londonderry, and report thereon. Member chosen Mr. Allen.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, on the Petition signed Daniel Storey; and one other Petition signed Thomas White and David Caswell, and report. Member chosen Mr. Fay.

An Act regulating County Conventions of Authority having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

An Act in Alteration of an Act regulating Proprietors' Meetings, having passed the General Assembly, was received and read; and the Question being put whether the same be concurred, it passed in the Affirmative.

An Act against High Treason having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

An Act empowering Auditors, &c. being received and read, the Council are of Opinion that such an Act is unnecessary and unconstitutional.

Adjourned to Tomorrow Morning, 9 o'Clock.

WEDNESDAY, March 3rd. 1784.

Met according to Adjournment.

An Act for the Limitation of Actions having been received and read, the Council recommend to the General Assembly that the same be printed and promulged, for the Perusal, and Consideration of the People until the next Session of the General Assembly.

An Act "to enable Persons who have entered on Lands," &c. being received and read, the Council recommend to the General Assembly that the same be printed for the Perusal of the People until the next Session of the General Assembly.

Samuel Knight Esq^r. waited on the Governor and Council, by direction of the General Assembly, with the Act enabling Auditors to possess

themselves of Papers, &c. and made a verbal request in Behalf of the Assembly, to be informed of the Reasons of Council for their Opinion that the said Act is unnecessary and unconstitutional; whereupon His Excellency the Governor stated the Reasons, & Mr. Knight returned.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to take under further Consideration the proposed Act for empowering Auditors, and report. Members chosen Mr. Brownson and Mr. Fasset.

An Act directing the Lists to be taken in the Towns of Brattleboro' and Guilford having passed the General Assembly, was received and read; and on the Question to agree therein, it passed in the Affirmative.

A Petition signed Elijah Dewey and Lyman Hitchcock was received and read; whereupon the Council recommend that the consideration of the same be not now taken up, by Reason that the Proprietors of the Township of Lyndon, who are interested against the Petition, have not been cited to appear to shew Cause why the Prayer thereof should not be granted.

An Act admitting the Scales of Depreciation of Old Continental Currency of other States, in certain Cases, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

An Act enabling Communities to sue for, and defend their Rights, Estates and Properties having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

Resolved, that John Strong and Stephen Lawrence Esq^{rs}. be, and they are hereby appointed Justices of the Peace within and for the County of Rutland, for the Time being. Ordered, that the Clerk of the County Court of said County enter the Names of the said John Strong and Stephen Lawrence in the Commission of the Justices of said County, accordingly.¹

Resolved, that Roger Williams of Danby be, and he is hereby appointed a Justice of the Peace within and for the County of Rutland, for the time being. Ordered, that the Clerk of said County enter the Name of the said Roger Williams in the Commission of the Justices of said County, accordingly.

Adjourned to Tomorrow Morning, 9 o'Clock.

THURSDAY, March 4th. 1784.

Met according to Adjournment.

An Act authenticating a Deed to Moses Robinson Esq^r. having passed the House, was received, read and concurred.

Resolved, that Oliver Smith of Stamford be, and he is hereby appointed a Justice of the Peace within and for the County of Bennington, for the time being. Ordered, that the Clerk of said County enter the Name of the said Oliver Smith in the Commission of the Justices of said County, accordingly.

An Act empowering Col^o Ira Allen, Administrator on the Estate of Cap^t [Remember] Baker deceased, to sell a part of the real Estate of said Deceased, having passed the General Assembly, was received, read and concurred.

¹ March 1 1784, an act was passed authorizing the Governor and Council to appoint justices of the peace in new towns. The constitution empowered them to fill vacancies.

An Act for adjusting the Cost of raising 300 Men, having passed the General Assembly, was received, read and concurred.

The Act "to enable Persons who have entered on Lands," &c. being again received from the General Assembly, with some Amendments, Resolved, that the Council still recommend the same to be printed for the Perusal of the People 'till the next Session of the General Assembly.¹

Resolved, that the Governor be requested to draw an Order on the Treasurer, in favour of Doct^r. William Gould, for the Sum of Twelve Pounds Lawful Money to be paid out of the 3^d. Tax granted in October last.

Resolved, that the Treasurer allow full Interest on a certain Due-Bill given by him in favour of the Heirs of Stephen Fay deceased, for the Sum of £150 6 4, Lawful Money, dated June 29th. 1781, payable on Sight,—to be settled in the same Manner as the Interest on other State Securities are settled and paid.

An Act empowering to the Sale of the Real Estate of William Pinnoch late of Strafford deceased, having passed the General Assembly, was received, read and concurred.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to give Instructions to the Treasurer respecting suing up Receipts in his Office. Member chosen His Honor the Lieutenant Governor.

Resolved, that a Committee be appointed to join a Committee appointed by the General Assembly, on the Petition of Jonathan Robin-

¹ From the *Assembly Journal*, March 4 1784:

The aforesaid recommendation was read and resolved that this House do not comply with the said recommendation of Council.

On the same day the Governor and Council asked for a committee of the whole to consider this bill, which was granted by the Assembly, with the following result:

March 5.—Agreeable to order his Excellency the Governor and Council and Assembly joined in a Committee of the whole to take under consideration the bill entitled "an act to enable persons who have entered into and made improvement on lands under colour of Title," &c. [the betterment act subsequently.] after some time spent therein the Committee of the whole dissolved—and the Speaker resumed the chair; and the Secretary [of State] brought forward and read the following resolution of the Committee of the whole viz.—

"Resolved that this Committee do recommend to the Legislature to postpone the passing the bill, entitled 'an act to enable persons who have entered into and made improvements on lands under colour of title, who shall be driven out of the possession by a legal trial at law, to recover the value of what the estate is made better by such improvements from the rightful owners of the land,' into a law until the next Session of Assembly and that the Same be published in the interium [interim] for the perusal of the people."

Whereupon Resolved that said bill be published for the perusal of the people until the next Session of Assembly before it be passed into a law of this State—And that the Secretary be directed to publish the Same in both the public newspapers printed in this State.

March 6, an act was passed to suspend trials of land titles until the rising of the Assembly in October.—See *Appendix E*.

son and Gideon Spencer, and report thereon. Members chosen Mr Allen and Mr. Safford.

Resolved, that a Committee be appointed to join a Committee from the Assembly, to consider on the Proposal for establishing Post-Offices in this State, made this Day by Messrs. Haswell and Russell, and report. Member chosen His Honor the Lieutenant Governor.¹

Resolved, that the General Assembly be requested to join the Council in a Committee of the whole Tomorrow Morning 9 o'Clock, to consider the proposed Act relating to Ancient Settlers.

Adjourned to meet Tomorrow Morning 9 o'Clock.

FRIDAY, March 5th. 1784.

Met according to Adjournment.

The Council proceeded to the General Assembly to join in a Committee of the whole—on the subject of the proposed Act, relating to Ancient Settlers.

Council having returned from the Committee of the whole on the proposed Act, Ordered, that it be entered in the Journals of Council, that the Grand Committee, after Debate on the Subject, recommended to the Legislature to postpone the passing of the said Act into a Law, and to order the same to be printed for the Perusal of the People.

Resolved, that His Honor the Lieutenant Governor be dismissed from his Attendance on the Committee to give Instructions to the Treasurer respecting suing up the Receipts in his Office, appointed yesterday, and that Mr. Porter be appointed in his Room.

Resolved that His Excellency the Governor be requested to draw Orders on the Treasurer in favour of the Judges, and Clerk of the Supreme Court, for their future Services, the present Year, to be paid out of the Hard Money Taxes that are already, or may hereafter be laid.

Resolved, that Ebenezer Rice of the County of Orange be, and he is hereby appointed a Justice of the Peace within and for said County, for the time being. Ordered, that the Clerk of said County enter the Name of the said Ebenezer Rice in the Commission of the Justices of said County, accordingly.

An Act in alteration of an Act for regulating of Civil Actions, having passed the General Assembly, was received, read and concurred.

An Act to prevent Injustice in the several Collectors within this State, having passed the General Assembly, was received, read and concurred.

An Act establishing Post-Offices in this State, having passed the General Assembly, was received, read and concurred.

Resolved, that Mr. Anthony Haswell be, and he is hereby appointed Post-Master General within and for the State of Vermont.

An Act empowering the several Towns therein mentioned to levy a Tax on the Lands, for repairing Roads, Bridges, &c. was received and read; whereupon the Council proposed to the General Assembly to suspend the passing of the same until the next Session of the General Assembly.

Adjourned to Tomorrow Morning 9 o'Clock.

SATURDAY, March 6th. 1784.

Met according to Adjournment.

Resolved, that the Treasurer pay the Debenture of Council, for the present Session, out of the Hard Money Tax.

¹ Messrs. Weld, Butterfield, and Murdock were joined from the Assembly.—See *Appendix D*.

An Act to enable the Governor and Council to Pardon certain Persons therein described, having passed the General Assembly, was received, read and concurred.

An Act setting aside a certain Order relating to a Trial between William Parker and the Selectmen of Shaftsbury, having passed the House, was received, read and concurred.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, to take into consideration a certain Order given by the Governor to Joseph Farnsworth Esq^r. Commissary General, and report. Member chosen Mr. Fletcher.

An Act directing the Sale of a certain Tract of Land within this State, formerly said to belong to David Remington, having passed the General Assembly, was received, read and concurred.

Resolved that the Surveyor General settle the Accounts of the several Surveyors under his Direction, for their Services in running Town-Lines, and draw Orders therefor, or, for the Payment thereof, on the Hard Money Tax.

Resolved, that the Treasurer give an Order in favour of Nathaniel Chipman Esq^r for the Sum of Three Pounds, on the Hard Money Tax.

Adjourned to Monday next, 9 o'Clock in the Morning.

MONDAY, March 8th. 1784.

Met according to Adjournment.

An Act against destroying White Pine Timber, &c. having passed the General Assembly, was received, read and concurred.

Resolved, that the Treasurer give an Order on the Hard Money Tax in favour of Micah Towusend Esq^r. for his Services 6 Days in revising Laws.

Resolved that a Committee be appointed to join a Committee appointed from the Assembly, to consider of the Propriety of laying a Tax or Taxes, and report. Member chosen Mr. Robinson.

A Report of a Committee, "that the Prayer of the Petition of the Town of Wells be granted," was read.

Resolved, that a Committee be appointed to join a Committee appointed from the General Assembly, upon the Letter of Lieutenant Elijah Knight, commanding the Troops at Guilford, and report thereon. Member chosen Mr. Allen.¹

The following Bill was received from the General Assembly, viz^t;

IN GENERAL ASSEMBLY, March 8th. 1784.

Resolved, that the Treasurer be, and he is hereby directed, immediately upon the rising of the Legislature, to put in suit all Receipts remaining in his Office (except Commissaries Receipts.)

Extract from the Journals.

ROSSELL HOPKINS, *Clerk*.

An Act repealing an Act enabling Assignees of Negotiable Notes to maintain Actions thereon, &c. having passed the General Assembly, was received, read and concurred.

An Act reversing several Judgments therein mentioned in favour of Richard Prouty and others, having passed the General Assembly, was received, read, and concurred.

The Council joined the General Assembly in a Committee of the whole, to take under consideration an Act directing the Sheriff of the County of Rutland to postpone the Sale of Lands at Vendue for the Payment of Taxes, until the first Day of April next. Also an Act re-

¹ See *Appendix C*.

lating to opening a commercial Intercourse with Europe; And an Act directing the Secretary of State in his Office and Duty.

The several Subjects having been deliberated, and Determinations made thereon in Grand Committee, the Council returned to their Room.

An Act directing the Sheriff of Rutland County to postpone the Sale of Lands at Vendue for Taxes, having passed the General Assembly, was received, read, and concurred.

Adjourned to Tomorrow Morning, 9 o'Clock.

TUESDAY, March 9th. 1784.

Met according to Adjournment.

An Act determining the Bounds of Rutland County, having passed the General Assembly, was rec^d, read, and proposed to be laid over, for further consideration, to the next Session of the General Assembly.

An Act describing the Bounds of the County of Rutland, and establishing the Town of Rutland a Shire Town, having passed the General Assembly, was received, read, and concurred.

An Act in addition to two several Acts therein mentioned, having passed the General Assembly, was received, read, and approved. (concurred.)

An Act concerning Sureties and *Scire Facias*, having passed the General Assembly, was received, read, and concurred.

An Act for regulating Marriages, &c. having passed the General Assembly, was received and read, and the following Amendment proposed, viz; That the Ministers of the Gospel be allowed to marry within the respective Counties, in which they are ordained.

Resolved, that the Treasurer be directed to pay Jonas Galusha Esq^r. Sheriff, One Pound Sixteen Shillings Lawfull Money out of the Two Penny Tax granted in October 1782.

Resolved, that Mr. Brownson wait on the General Assembly, and request them to join in a Committee of the whole.

The Council proceeded to the General Assembly to join in Grand Committee for the consideration of the Act pointing out the Duty of Auditors, proposed to be passed—and an Act proposed for levying a Tax.

The Business, in Grand Committee, proposed, having been attended to, the Council returned to their Room.

An Act directing the Secretary of State to deliver to the Governor and Council the Resolutions of the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

An Act directing the Treasurer to issue his Extents against the Sheriffs of the several Counties, having passed the General Assembly, was received and read; and on the question to concur therein, it passed in the Affirmative.

Adjourned to Tomorrow Morning, 9 o'Clock.

WEDNESDAY, March 10th. 1784.

Met according to Adjournment.

Resolved, that the Treasurer pay unto Lieut^t Nathaniel Lawrence Two Pounds Twelve Shillings and Seven Pence Lawful Money, out of the Hard Money Tax.

Resolved, that the Treasurer pay Joseph Fay Esq^r. One Pound Eight Shillings Lawful Money, out of the Hard Money Tax.

Resolved, that the Treasurer pay David Fay Six pounds Five Shillings Lawful Money, out of the Hard Money Tax.

Resolved, that the Secretary of Council keep in his Office the State's Seal—all the Records and Copies of Charters of Lands granted previous to October 1781—with all the Records and Papers of Council,—That he keep Copies of all Charters that have been given and not recorded, and of those that may be given for Lands granted previous to October afore-said, but that, on Account of the Disputes respecting Bounds of Townships which may occasion the Alteration of some Charters already given, he be directed not to record any more Charters, 'till the further Order of Council.

Resolved, that His Excellency the Governor be, and he is hereby requested to take such Measures as he shall judge best, for opening *Trade* with the Province of Quebec.¹

Resolved, that the Treasurer pay unto Captain Joseph Safford the Sum of Five Pounds Fifteen Shillings and Eight pence Lawful Money, out of the Hard Money Tax.

Adjourned without Day.

Attest, THOS. TOLMAN, *Dep^y. Sec^y.*

END OF FEBRUARY SESSION, MARCH 10TH. 1784.

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION AT SHAFTSBURY, APRIL 12, 1784.

IN COUNCIL at Shaftsbury, April 12th. 1784.

A Petition signed by the Authority, Selectmen and other Inhabitants of the Town of Hartland, and others, Inhabitants of the County of Windsor, was read, praying for the Suspension of the Punishment of Abraham Taylor; whereupon

Resolved, that the Sheriff of the County of Windsor be, and he is hereby directed to suspend putting into Execution the Sentence of the Superior Court in February 1784 in the said County of Windsor, against Abraham Taylor of said County, until the Rising of the General Assembly in October next; on Condition the said Abraham Taylor give Security to the Satisfaction of the Selectmen of the Town of Hartland, that himself nor Family shall in future become in anywise chargeable to the said Town.

Resolved, that His Excellency the Governor be requested to address His Excellency the President of Congress, on the Subject of the Proceedings of the Senate and Assembly of the State of New York, of late, with respect to a Decision of the Controversy relative to the Jurisdiction of this State.²

Resolved, that His Excellency the Governor be requested to call on Colonel Ebenezer Allen, to take Possession of a Place called Dutchman's Point, as soon as the same shall be evacuated by the British

¹ See *Appendix D.*

² See *Appendix C.*

Troops. And also that the Governor write to General Haldimand on the Subject.¹

Upon a Nomination and Request of the Town of Sunderland, that Mr. Jacob Sherwin of said Sunderland be appointed a Justice of the Peace, signed Abner Hill Town-Clerk,

Resolved, that Mr. Jacob Sherwin of said Sunderland be, and he is hereby appointed a Justice of the Peace, within and for the County of Bennington, and the Clerk of the County Court for said County is directed to enter the Name of the said Jacob Sherwin in the Commission of the Justices of said County, accordingly.

The Petition of William Shattuck, now a Prisoner in the Goal at Bennington, acquiescing in the Justice of his Sentence of Banishment by the Hon^{ble} the Supreme Court of this State held at Westminster in September 1782, and praying for Pardon, being received and read,

Resolved, that the said William Shattuck be, and he is hereby pardoned, released, and indemnified from the said Sentence of Court, so far as it relates to his Banishment and Confiscation of Estate; And that the Sheriff of the County of Bennington be, and he is hereby directed to release the said William Shattuck from his Confinement, on Condition that he pay unto the said Sheriff Twenty-Five pounds Lawful Money, Costs of Prosecution, or give sufficient Security to the Treasurer of said State, payable within one Year from this Date; And pay and satisfy unto Mr. Nathan Fay, Keeper of said Goal, for the Expense of keeping said Prisoner, his just Demands; And further, that he the said William Shattuck enter into Bonds of One Hundred Pounds Lawful Money, with sufficient Sureties, to the Treasurer of this State, that he do not enter, or presume to go into the County of Windham, without Liberty therefor first had and obtained from this Council.²

Adjourned without Day.

Attest, THO. TOLMAN, *Dep^y. Sec^y.*

THE END OF APRIL SESSION, 1784.

¹ See *Appendix D*.

² See *Appendix C*.

THE EIGHTH COUNCIL.

OCTOBER 1784 TO OCTOBER 1785.

THOMAS CHITTENDEN, Williston, *Governor*.

PAUL SPOONER, Hartland, *Lieutenant Governor*.

Councillors :

TIMOTHY BROWNSON, Sunderland,	JOHN FASSETT, jr., Arlington,
MOSES ROBINSON, Bennington,	SAMUEL FLETCHER, Townshend,
JONAS FAY, Bennington,	JOHN THROOP, Pomfret,
PETER OLCOTT, Norwich,	THOMAS PORTER, Tinmouth,
IRA ALLEN, Colchester,	THOMAS MURDOCK, Norwich,
BENJAMIN EMMONS, Woodstock,	SAMUEL SAFFORD, Bennington.

THOMAS TOLMAN, Arlington, *Secretary*.

JOSEPH FAY, Bennington, } *Secretaries pro tempore*.

DANIEL BUCK, Norwich, }

BIOGRAPHICAL NOTICE.

THOMAS TOLMAN was son of Thomas Tolman of Attleborough, Mass. The father was born Dec. 29 1727, removed to Greensborough, Vt., Oct. 1 1817, and died there July 4 1821, in his 94th year. The son, our Secretary, was born Sept. 5 1756; married Lois Clark at Attleborough, Mass., Aug. 17 1780; removed from Attleborough May 15, and reached Arlington, Vt., in June 1781; removed from Arlington to Cornwall in Feb. 1788, and from Cornwall to Greensborough in Sept. 1795, where he died Sept. 8 1842, aged 86 years. The above dates were furnished by the Secretary's grand-son, Hon. HENRY S. TOLMAN of Greensborough, present Senator [1874-6] for Orleans county. It is obvious, however, that the above date of removal to Arlington must refer to the removal of the family for settlement, for as early as Dec. 1780 Mr. Tolman was employed as secretary by Gov. Chittenden.—See Vol. II, p. 61. He was often deputy secretary of the Governor and Council, and secretary for

1784-5; secretary *pro tem.* of the Board of War in 1781; representative for Arlington in 1784,¹ and for Cornwall in 1790. He also served on the Committee of Pay-Table, and as Pay-Master, and Engrossing Clerk. It will be observed that at the October session 1784, he was one of the committee appointed to draft a reply to the Governor's speech, the associates being Stephen R. Bradley and Isaac Tichenor. He was also appointed, with Ira Allen, by the Governor and Council, in Jan. 1783, to draft the remonstrance to Congress against the belligerent resolutions of Dec 5 1782. These facts indicate the high estimation in which he was held as a writer. To Ethan and Ira Allen, and Thomas Tolman, we are indebted for the vigorous letters of Gov. Chittenden; who, though vigorous in thought, and sound and quick in judgment, was not expert either in speech or with the pen. Mr. Tolman was pastor of the congregational church in Cornwall from Sept. 26 1787 until Nov. 11 1790.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT RUTLAND,

OCTOBER, 1784.

The Governor and Council met on the 14th, and the usual business at the opening of a new General Assembly was attended to, but Secretary Fay of the Council did not attend, and no record appears for October 14. The following are extracts from the *Assembly Journal* of Oct. 14 and 15:

Oct. 14.—The following resolution of Council was handed by the Sheriff attending on Council, viz.—

“IN COUNCIL, Rutland Oct^r 14th 1784.

Resolved that a Committee of six to join a Committee from the House be appointed to receive, sort and count the votes of the Freemen for Governor, Deputy Governor, Treasurer and twelve Assistants for the year ensuing and order declaration to be made public of the persons chosen.

(Signed)

JONAS FAY, *Sec^y pro Temp.*”

The aforesaid resolution being read, whereupon Resolved that Mr. Tichenor, Mr. Tolman, Mr. Lyon, Mr. S. R. Bradley, Mr. Knight, Mr. Brown, Mr. Burton, Mr. J. Bayley, Mr. Baldwin, Mr. Enos and Mr. Strong be a Committee to join the aforesaid Committee for the purpose aforesaid and that they make report of the persons elected to this House.

Adjourned until 6 o'clock this evening.

¹ Mr. Tolman served in the House, the duties of Secretary of the Council having been performed for the session by Secretaries *pro tempore*.

6 o'clock P. M.—The Committee appointed to receive, sort and count the votes of the Freemen for Governor, Deputy Governor, Treasurer and twelve assistants brought in the following report viz.—

“That by the Suffrages of the Freemen they find that his Excellency Thomas Chittenden Esq^r was elected Governor—his Honor Paul Spooner Esq^r elected Deputy Governor—No choice of Treasurer—the honorable Moses Robinson, Jonas Fay, John Fassett [jr.,] Timothy Brownson, John Throop, Benjamin Emmons, Peter Olcott, Samuel Fletcher, Ira Allen, Samuel Safford, Thomas Porter and Thomas Moredock Esquires were elected Counsellors. (Signed) MOSES ROBINSON for Com^{tee}.”

The aforesaid report was read and the declaration made by the Sheriff, of the persons Elected as aforesaid.

Friday October 15th. 1784.—His Excellency the Governor, Council and House of Representatives by joint ballot made choice of Ira Allen Esq^r Treasurer.

His Excellency the Governor made a speech¹ to the Council and

¹ *Note on the Assembly Journal*.—“This speech was delivered to a committee to prepare an answer, who never made a report nor returned the speech.”

The committee appointed to prepare an address, in answer to the Governor's speech, consisted of Stephen R. Bradley, Thomas Tolman, and Isaac Tichenor.

Of this speech, the *Vermont Journal* of Oct. 27 said:

Friday morning his Excellency the Governor, the hon. Council, and hon. House of Representatives being convened, his Excellency delivered a congratulatory speech on the ratification of the articles of Peace.

The ceremonies attending the inauguration of the government on this occasion were unusually imposing. The following is from the *Vermont Journal* of October 27:

On the 14th instant, (being the second Thursday of October,) the annual General Election of this State was held at Rutland. In the morning, a company of troops, compleatly equipped, and dressed uniformly in scarlet, from Col. Clark's regiment, of Rutland, proceeded to Wallingford, where they met his Excellency and a part of the honorable Council, whom they escorted to Rutland. The attention of the officers, and the alertness and activity of the privates, was parallel to that of veteran troops—orders were given with judgment, and executed with precision. About 11 o'clock they proceeded to the meeting-house, where a sermon was preached, by the Rev. Mr. [Job] Swift, of Manchester, very suitable to the occasion. In the afternoon, Col. Clark's regiment of foot, the horse, and a company of artillery, were paraded, when the whole were reviewed by his Excellency; after which thirteen cannon were fired for the United States, and a fourteenth for Vermont, succeeded by an equal number of volleys from the foot and horse. The militia then paraded at proper distances from each other, the troop rode through, & the usual firings were performed—at the same time regular discharges were given by the artillery, which added a grace and dignity to the manœuvres. Indeed the whole exercises of the day were such as did honor to the performers.

Military accompaniments of this sort were continued down to about the time the Senate was constituted, in 1836.

House; after which he laid the following papers before the House, in their order, viz:

A copy of a letter signed by his Excellency, dated Bennington, March 10, 1784, directed to his Excellency John Hancock, Esq.

An attested copy of a petition, signed by Abigail Spicer, Jabez Spicer, Asher Spicer, Roger Spicer, and Jonathan Spicer, to the hon. Senate and House of Representatives of the Commonwealth of Massachusetts, assembled at General Court at Boston, dated March, 1784—[on the death of Daniel Spicer]. Likewise a copy of the proceedings of the General Court of Massachusetts, of the 25th of March, 1784. Also a letter signed by his Excellency John Hancock, Esq., dated March 30, 1784, directed to his Excellency the Governor, with a proclamation of his Excellency John Hancock, Esq., Governor of the Commonwealth of Massachusetts, dated the 26th of March, 1784, were read.

Also a copy of a letter signed by his Excellency the Governor, directed to his Excellency Frederick Haldimand, Governor of Canada, &c., dated April 15, 1784. Also, a copy of one other letter from his Excellency, directed as aforesaid, dated July 12, 1784.

And a copy of one other letter signed by his Excellency, directed to his Excellency the President of Congress, were read.¹

MINUTES OF COUNCIL, RUTLAND, 15th October, 1784.

Met according to Adjournment.

Present, His Excellency Thomas Chittenden Esq^r

His Honor Paul Spooner Esq^r

Hon ^{ble} Moses Robinson	COUNCIL	Samuel Fletcher
Timothy Brownson		Ira Allen
Jonas Fay		Peter Olcott &
John Fassett Jur.		Thomas Porter Esq ^{rs} .
Benjamin Emons		

The above officers being Elected and duly Sworn,
The Council Adjourned to 8 o'Clock afternoon.

Met according to Adjournment.

A Letter from Joseph Fay Esq^r Secretary of Council, dated the 6th Instant, requesting Leave to Retire from that office, and Recommending Thomas Tolman Esq^r as a suitable person to succeed him in that office was read, Whereupon Resolved, that the Request of Joseph Fay to Resign the said office of Secretary be and is hereby accepted—That Jonas Fay Esq^r be and he is hereby directed officially, to present Joseph Fay Esq^r with the Thanks of His Excellency the Gov^r His Hon^r the Deputy Governor and the Hon^{ble} The Council of this State for the Rediness in which he has served them in the said office; And that Thomas Tolman Esq^r be and he is hereby appointed Secretary of Council for the year Ensuing.

Resolved that the Hon^{ble} Jonas Fay Esq^r be and he is hereby Appointed Secretary Pro Tem.²

¹ See Appendix C.

² The *Vermont Gazette* of Oct. 18 contained the following, which was communicated by the retiring Secretary, Joseph Fay:

To the Printers of the VERMONT GAZETTE.

GENTLEMEN,

By inserting the following extract of an official letter received last evening, you will not only gratify the public by giving early knowledge of the choice

The following Message was Rec^d from the Assembly, viz.—

STATE OF VERMONT, IN GENERAL ASSEMBLY, October 15th. 1784.

On Motion made to choose a Committee of Pay Table the Ballots being Taken, the Hon^{ble} Timothy Brownson Esq^r. Captain Samuel Bartlet, and Thomas Tolman Esq^r. were Elected.

Attest, ROS^L. HOPKINS, Clk.

A Bill from the House appointing Mr. Tichenor, Mr. Mattucks, Mr. Underwood, Mr. Brown, and Mr. Bayley a Committee to join a Commit-

of their rulers for the year ensuing, but sting the ears of our enemies with the unwelcome news of the uniformity of the people by continuing in office those Gentlemen, who have been the guardians and faithful servants of the public, during a bloody war with Great Britain, and contest with several of the neighbouring States, for eight years past. Such a steady firmness does honour to the people, and by a continuance, with the due observance of good and wholesome laws, cannot fail to render this little republic happy, important and the dread of her enemies.

[Jonas Fay to Joseph Fay.]

“RUTLAND, October 16, 1784.

“SIR,—THURSDAY evening last about seven o'clock his Excellency Thomas Chittenden, his honor Paul Spooner, and all the old members (except the one absent by death* in whose room Thomas Murdock, Esq;) were declared to be the persons elected each in their former offices.—and yesterday Ira Allen Esq; was elected (by joint ballot from both Houses) as Treasurer of the State.—Every thing relative to the election was conducted with the greatest parade, by discharging of cannon, small arms by about 100 Militia [and] a number of Light Horse.

“I am directed to acquaint you that upon your declaration that you would not wish on any principle to contuence [continue] your office of Secretary of Council, it is considered as your resignation of the office, and accepted and recorded as such, and Thomas Tolman Esq; appointed to succeed you in the office.—I am further directed to return the hearty thanks of his Excellency the Governor, his honor the deputy governor & the Hon. Council, for your past services in the office, & that they will be ready to receive any future services you may please to offer.

“JONAS FAY, Sec. Pro Tem.”

“JOSEPH FAY, Esquire.”

From the *Vermont Gazette* of July 19 1784:

We hear from Rutland, that the Hon. Joseph Bowker, Esq; of that town, died the 11th instant. He was a member of the Honorable Council of this State, acted in several other public and important capacities, and did honor to them, having frequently since the first settlement of this country, had the honor to preside over committees and conventions of this people, before the formation of a regular government. And even at the very important crisis of forming the Constitution, on which day the unhappy event of the evacuating of Ticonderoga took place, and the enemy committing the most horrid ravages on our innocent inhabitants, he was observed to act with the greatest coolness and deliberation until the frame of government was completed.

We need only say, in justice to his character, that he was a truly pious, faithful, diligent, upright man, and discharged every trust both public and private with honor and integrity. The community at large, as well as his family and friends, have reason to lament the loss of so eminent a character.

* The hon. Joseph Bowker.

tee of Council to arrange the most Necessary business to be Transacted at the present Session and make Report to the House, in consequence of which Mr Robinson, Mr Porter & Mr Oleot were Appointed a Committee from the Council to join the Above Committee for the above purpose.

Adjourned to 8 o'Clock Tomorrow.

SATURDAY, October 16th. 1784.

Met according to Adjournment.

Thomas Tolman Esq^r subscribed the Necessary Oaths to qualify him to the office of Secretary of Council for the year ensuing.

A Bill from the House, viz.

STATE OF VERMONT. IN GENERAL ASSEMBLY, }
October 16th. 1784. }

Resolved, that the Township Granted to Col^o William Barton and Company by the General Assembly of this State in October 23^d 1781, by the name of *Providence* be and is Hereby altered at the Request of the Proprietors to the name of *Barton*, and the Governor & Council are Requested to Take Notice hereof, & call the name of said Township by the name of *Barton*, when they make out the Charter of said Township.

Extract from the Journals.

ROS^l. HOPKINS, Clk.

A Bill from the House viz^t

STATE OF VERMONT. IN GEN^l. ASSEMBLY, Oct^r 16, 1784.

Resolved, that a Committee of five be appointed to join a Committee from the Council to Take under consideration the 2^d article in the Arange^t viz^t That an Act be passed putting the Militia of the State under proper Regulation, & that they prepare a Bill and make Report—The members chosen, Mr Tichenor, Mr Clark, Mr Bradley, Mr Gates, and Mr Bayley. In consequence Mr Fletcher and Mr Olcott are appointed from the Council to join the said Committee.

In consequence of a Bill from the House appointing Mr Wells, Mr Leavens and Mr Lee a Committee to join a Committee of Council to Take [into] consideration the Petition of Caleb Handee [probably Hendee,] to state facts and make Report. Mr Robinson and Mr Olcott are appointed to join said Committee for the Above purpose.

On Motion made by Colonel William Barton in behalf of himself & the Company to whom a grant of a Township of Land was made by the General Assembly of this State at their Session the 23^d day of October 1781, for a Charter of Incorporation of the said Tract of Land;

Resolved, that it appears to this Council by authentic papers submitted, that the said William Barton has fully paid the Granting fee of said Township, and is fully entitled to a Charter of Incorporation agreeable to the Original intent & meaning of the Legislature, as soon as the several other Town Lines can be ascertained in which business the Surveyor General is constantly employed.

The Hon^{ble} John Fassett Jur^r Esq^r Delivered to this Council a Number of papers & writings the former property of Jeremiah French, William Marsh & Benjamin Holt & sundry other persons, who have been Reputed Enemy persons to this & the United States of America, (including sundry Receipts; & Jerimiah Frenches Deed from Ephraim Cowen in Bundle Marked N^o 1) which he Rec^d at sundry times now Dilivers in consequence of his former appointment of Commissioner of sequestration & sales of confiscated Estates within this State & Requested to be discharged therefrom; And the said John Fassett in Council made Solemn Oath that the above mentioned papers are (and

account for) *bona fide* the whole of the papers he Rec^d. in his said Capacity of Commissioner of Sequestration & Sale of Confiscated Estates, according to the best of his knowledge and Remembrance, and is discharged therefrom accordingly.

A Bill from the House appointing Mr. Whipple, Mr. Mattucks, Mr. Bradley, Mr. Bayley and Mr. Brown, a Committee to join a Committee from the Council, to Take proper Measures for the appointment of a Council of Censors, and make Report, Mr. Porter, and Mr. Emmons are appointed to join said Committee.

JONAS FAY, *Secy. P. T.*

Adjourned to 9 o'Clock Monday morning next.

MONDAY, 18th October 1784.

Council met according to Adjournment.

An Act to Enable Benjamin Fassett and Mindwel Hopkins, Administrators on the Estate of Major Wait Hopkins deceased to sell a part of the Real Estate of said Deceased to the amount of £415 13 9, Read and approved.

Resolved, that a Committee of Two join a Committee of Assembly to Receive from the Committee of Revision such acts as they have Revised, and Examine (and if they find Necessary to Correct) the same and Report them with their opinion to this House; Members chosen Mr. Robinson and Mr. Fassett.

A Bill from the House, viz.

STATE OF VERMONT. IN GENERAL ASSEMBLY, October 18th 1784.

Resolved, that the first Thursday of December next, be and is hereby appointed to be observed as a day of Public Thanksgiving through this State; and His Excellency the Governor is hereby Requested to Issue his Proclamation for that purpose.

Extract from the journals.

ROSWELL HOPKINS, *Clk.*

Adjourned to 8 o'Clock Tomorrow Morning.¹

TUESDAY, 19th October 1784.

Council met according to Adjournment.

Mr. Fletcher is appointed to join a Committee from the House on Mr. Townsend's petition.²

The Hon^{ble} John Throop Esq^r appeared and was qualified to his office of Concillor, and Took his Seat accordingly.

Mr. Robinson desired Leave of Absence from this Council which was according Granted.

Adjourned to 8 o'Clock Tomorrow Morning.

WEDNESDAY, 20 October 1784.

Met according to Adjournment.

A Certificate under the signature of Thomas W. White, Town Clerk of the Township of Barnard, dated October 27th 1784, Representing that at a Legal meeting of the Inhabitants of said Town holden on the 7th day of September last, that the Inhabitants of said Town did nominate Benjamin Cox to be appointed a Justice of the Peace—And the said Benjamin Cox is accordingly appointed a Justice of the peace within and for the County of Windsor.

¹ The Governor and Council met the House in committee of the whole this day on the betterment act, without agreeing to a report.

² See *Appendix C.*

A Letter signed Nathaniel Brown dated Norwich 11th October 1784, Requesting Leave to Resign his office of Justice of the Peace in the County of Windsor was Read. And Resolved, that the said Resignation be and it is hereby accepted, & the Secretary is hereby directed to signify the thanks of the Gov^r. and Council [for his services] in the office of Justice of Peace in & for said County.

An Act to Establish the doings of a Certain Town Meeting held in the Town of Neshobe, & to alter the name of the said [town] of Neshobe (to *Brandon*) was read & concurred.¹

An Act to Enable Jane Sternes, Administrator on the Estate of Asa White late of Rockingham in the district of Westminster Deceased, to sel part of the Real Estate of said deceased to the Am^t. of £143 18 5 was read and concurred.

Adjourned to 8 o'Clock Tomorrow Morning.²

THURSDAY, 21st October 1784.

Met according to Adjournment.

An Act constituting one Company of Cavalry within the Limits of the 5th Regiment of Militia within this State was Read and approved with the following amendment viz. that in stead of the words "Commanding officer of the Brigade to which he belongs" be inserted "The Capt. General or such other officer as shall have Right by Law to call a Court Martial for the Trial of such officer."

The Gov^r. and Council joined the Assembly in a Committee of the whole to Elect Judges of the Superiour Court for the year Ensuing; And the Ballots being taken, His honour Lieut Gov^r. Paul Spooner was Elect^d. chief Judge, & the Hon^{ble}. John Fassett Jur^r. Thomas Porter, Nathaniel Niles & Peter Oleott Esquires, side Judges.

Mr. Fassett having desired Leave of Absence for the Remainder of this Session, the same was Granted.

His Honor Governor Spooner appeared in Council and was qualified by Oath as chief judge, and the Hon^{ble}. John Fassett Jur^r. & Thomas Porter Esq^{rs}. as side Judges of the Superiour Court of this State for the year ensuing.

A Bill from the House appointing Mr. Mattucks, Mr. Brown & Mr. Chipman a Committee to join a Committee of Council, to Take under consideration [a remonstrance] signed Benjamin Thurber and others, against Col^o. Barret, being Read in Council, Resolved that Mr. Brownson join s^d Committee.³

Adjourned to 8 o'Clock Tomorrow Morning.⁴

¹ This was done at the request of the town, at a meeting held Oct. 7 1784.

² The Governor and Council met the House in committee of the whole on the betterment question. and a bill was agreed upon by the committee; Oct. 23 it was rejected, ayes 33, noes 35; Oct. 25 the matter was re-committed, and on the 26th a bill was agreed to, and ordered to be printed for the perusal of the people with a view to future action.—See *Appendix E*.

³ The petition alleged that Barrett had continued to perform the duties of his office since the Assembly had impeached him, and asked to have his judgments annulled. The petition was dismissed, for several reasons, one being that the petitioner had another remedy.

⁴ The Governor, Council, and Assembly sat this day as a court of equity for the trial of the case of the proprietors of Wilmington vs. the

FRIDAY, October 22^d 1784.

Met according to Adjournment. And Having Joined the House & Attended in Committee of the whole—Adjourned to 8 °Clock Tomorrow Morning.

SATURDAY, 23^d October 1784.

Met according to Adjournment.

A Letter from John Session [Sessions] Esq^r. dated Westminster 11th October Int^r Requesting Leave to resign his office of chief Judge of the County Court of the County of Windham, was read & accepted, and the Secretary is hereby directed to officially acquaint him therewith, and in behalf of the Governor & Council to return him their thanks for his past Services.

Resolved that Luke Knoulton Esq^r. be and he is hereby appointed chief Judge of the County Court for the County of Windham in the Room of John Sessions Esq^r. Resigned.

Resolved that John Bridgman Esq^r. be and he is hereby appointed a side judge of the County Court for the County of Windham; and also a justice of the Peace within & for the said County.

Resolved that Elisha Burton Esq^r. be and he is hereby appointed a Justice of the Peace within and for the County of Windsor.

Resolved that Samuel Mattucks Esq^r. be and he is hereby appointed a side Judge of the County Court for the County of Rutland in the Room of the Hon^{ble} Joseph Bowker Esq^r. Deceased.

Resolved that Elisha Clark be and he is hereby appointed Judge of Probate for the District of Rutland, in the County of Rutland.

Resolved that Samuel Williams Esq^r. be and he is hereby appointed a justice of the Peace within and for the County of Rutland.

Resolved that Ebenezer Allen Esq^r. be and he is hereby appointed a justice of the Peace within and for the County of Rutland—Grand Isle.

Resolved that Alexander Gordon Esq^r. be and he is hereby appointed a Justice of the Peace in and for the County of Rutland—G. Isle.

Resolved that John Hawkims Esq^r. of Bridgewater, be and he is hereby appointed a Justice of the Peace within and for the County of Windsor.

Resolved that Gamaliel Painter Esq^r. be and he is hereby appointed a Justice of the peace in and for the County of Rutland, in Middlebury.

Adjourned to Monday next 10 °Clock A. M.

MONDAY, October 25th 1784.

Met according to Adjournment.

An Act enabling Capt. Eben^r. Wood sole Administrator on the Estate of Jeremiah Reed Dec^d. to sel part of the said Estate, Rec^d. Read and approved.

An Act appointing Commissioners to make reprisal in a Case therein mentioned [Townsend's case.] being accepted by the House, & sent up

proprietors of Draper. The town of *Wilmington* was first chartered to Phinehas Lyman, by New Hampshire. April 29 1751; but, on the ground that the conditions of the charter had not been complied with, New Hampshire again chartered the town, by the name of *Draper*, to Francis Barnard and sixty-six others, June 17 1763. Subsequently the inhabitants changed the name to *Wilmington* again.—*Eastern Vermont*, p. 99.

for perusal and proposals of amendment, the same was Read and approved.¹

An Act to divide the Town of Reupert into Two Parishes having been accepted by the House of Assembly was Rec^d. Read and approved.

Resolved that the wages to the Judges and Clerk of the Superiour Court be paid in hard money orders—And His Excellency the Governor is hereby requested to Draw orders on the Treasury on any of the hard money Taxes heretofore granted, or to be granted this present Session of Assembly, for that purpose.

Adjourned to 8 o'Clock Tomorrow Morning.

TUESDAY, October 26th. 1784.

Met according to Adjournment.

A decree and Order by the High Court of Chancers, consisting of His Excellency the Governor, the Council and General Assembly, on the Petition of the proprietors of Wilmington, against the Proprietors of Draper, was Rec^d. Read & approved.²

Resolved that the acct of Barzilla Rice Deputy sheriff, of thirty nine pounds Twelve shillings and Eleven pence Lawful Money. be and is allowed him for public service by him done as by his acct appears—and that the Secretary draw on the Treasurer to pay the same by order on the hard money Tax.

An Act pardoning Charles Phelps Esq^r of Marlborough in the County of Windham and Restoring to him all his Estate, Real and personal, was Read and approved.³

STATE OF VERMONT. IN GENERAL ASSEMBLY. }
October 26th. 1784. }

Whereas Maj^r Elias Buel & his associates have by their Memorial to this Assembly, Represented that on the 4th day of November 1780, Obtained a grant of a Certain Tract of Land in this State lying between the Towns of Shorum, Orwel, Hubbarton, Sudbury and Whiting, supposed to contain 320 acres (or thereabouts) to Each of said Company, and that they soon after paid the Granting fees Requested therefor—That it is since found that the surrounding Towns aforesaid, nearly cover the whole of the Lands Granted to the Memorialists:

And whereas the said Memorialists have Prayed that a Grant of Unlocated Land may be made to them for the deficiency aforesaid, (due Regard being had to quantity and quality & situation) as by their Memorial on file appears, Whereupon

Resolved that Liberty be and hereby is granted unto the said Memorialists to Locate an equivalent for the deficiency in such place, or places, as they shall chuse in the now unlocated Lands in this State. (not infringing upon the General principles of Survey^s) due Regard being had to the quantity, quality and situation of the Lands to be so located, & to the situation and quality of the Lands first granted to the Memorialists, as Also the date of the said Grants.

And that the Governor & Council be & hereby are requested to Issue a Charter, or Charters of incorporation, under such Regulations, Restrictions & conditions as they shall judge best.

Extract from the journals.

ROSL^r. HOPKINS. Clerk.

True Copy. Attest, JOSEPH FAY, Sec^y.

¹ See *Appendix C*.

² The decree was in favor of the proprietors of Wilmington, no person having appeared for Draper. A review of the case was moved, and ordered by the court.

³ See *Appendix C*.

IN COUNCIL Rutland 26th Oct^r 1784.

In consequence of the foregoing Memorial and Resolution thereon—Resolved that the said Elias Buel be, & he is hereby intituled to receive a Charter or Charters of Incorporation under the signature of this State, for the quantity of 320 acres for himself, and Each of his associates being sixty in number, in such place or places as they shall choose in the now unlocated Lands within this State, as are equivalent as set forth in the above Resolve, on the said Buel his paying on the Reception of said Charter or Charters, one hundred & Twenty pounds in hard Money and three hundred and Ninety pounds in this States Security Including what is already Rec^d as is to be made to appear by the said Buel's Receipts.

Extract from the Journals.

JONAS FAY, *Secy. P. T.*

Adjourned to 8 o Clock Tomorrow Morning.

WEDNESDAY, Oct^r 27th 1784.

Met according to Adjournment.

Unanimously Resolved that this Council do take this method to recommend to the Hon^{ble} General Assembly to adopt such measures as may appear to them to be most Eligible for Opening a free Trade & commerce with the Province of Quebec upon Terms of Reciprocity.

By order of Council.

JONAS FAY, *Secy. P. T.*IN GENERAL ASSEMBLY, 27th October 1784.

The question being put wheather this Assembly would Adopt measures as is Recommended in the aforesaid Resolution it passed in the Negative.

ROSL^r HOPKINS, *Clk.*True Copy. JOSEPH FAY, *Secy.¹*

On the petition of Joseph Chamberlin;

Resolved that the fine imposed on the said Joseph Chamberlin by the Supreme Court be & is hereby remitted.

On the petition of Francis Prouty,

Resolved that the fine imposed on the said Francis Prouty by the Supreme Court of this State be and it is hereby Remitted.

On the petition of John Alexander,

Resolved that the fine imposed on the said John Alexander by the Supreme Court of this State be and is hereby Remitted.

On the petition of Edward Carpenter. Asaph Carpenter & Cyrryl [Carpenter]—Resolved that the fines of the above named three persons imposed on them by the Supreme Court of this State be & is hereby Remitted.

IN COUNCIL, Rutland, 27th October 1784.

Resolved that this Council do Recommend it to the Hon^{ble} General Assembly that the Two Houses meet and form into a Committee of the whole, as soon as may be, to Take into Consideration the Utility of Obtaining Licence of the Commanding officer of the Province of Quebeck for the Inhabitants of this State to pass by the Waters Leading from this State to said Province, with their Lumber and to Barter, or Exchange Commodities upon Terms reciprocal with foreign Powers.

By order of Council.

JONAS FAY, *Secy. P. T.*

¹ The resolutions of the Council and House both stand in the Assembly journal as of the 26th. Probably the answer of the House was not received by the Council until the 27th, when the Secretary recorded both as of the 27th.

IN GENERAL ASSEMBLY, October 27 1784.

The above was Read, And Resolved that this House will join with the Governor & Council 2 °Clock this afternoon to Take under consideration the Matter therein contained.

Ros^L. HOPKINS, *Clk.*

An Act empowering Beriah Green to sell part of the Estate of Elkanah Stewart Deceased to the am^t of £62 10 0 was Read & approved.

An Act constituting a New Town by the name of Middletown was Rec^d. Read & approved.

Adjourned to 8 °Clock Tomorrow Morning.

THURSDAY, 28th October 1784.

Met according to Adjournment.

Resolved that the Treasurer be and is hereby directed to pay Micah Townsend Esq^r his acc^t of Eighteen pounds Twelve shillings and Eleven pence by Drawing orders on some of the hard money Taxes for that purpose.

An Act proposing a Tax of six pence on the pound was read and ordered to be sent back to the House with this proposal, viz. that the same be referred to the next sitting of this Assembly.

Resolved that the Treasurer be and he is hereby directed to pay unto Capt. Leonard Spaulding the sum of six pounds in part of an acc^t exhibited by said Spaulding of the Costs and expenses attending a Certain cause between the said Spaulding and Jonas Clark of Boston of £26 11 10, by drawing orders on some of the hard money Taxes for that sum.

An Act for the purpose of opening a free Trade to and thro' the Province of Quebec was Rec^d. Read & approved.¹

Col^o. Isaac Clark & Maj^r James Brookins of the 5th. Reg^t. appeared & were qualified by oath to the faithful discharge of their offices—Also the Hon^{bl}. Luke Knoulton Esq^r & Samuel Mattucks Esq^r side judges of the County Courts for the Counties of Windham & Rutland were duly Qualified to their Respective offices.

An Act for Suspending the Collecting of the County Taxes in the County of Bennington was Rec^d. Read & approved.

Adjourned to 8 °Clock Tomorrow Morning.

FRIDAY, October 29th. 1784.

Met according to Adjournment.

An Act establishing the place for Erecting Public Buildings in the County of Rutland was Read, whereupon the Council Recommend to the Assembly that the further consideration of the said bill be referred to the next Session of this Assembly.

An Act in addition to an Act entitled an Act for the Establishment of Town lines, was Rec^d. Read & approved.

An Act, in addition to an Act, for Regulating Proprietors Meetings, was Rec^d. read & approved.

A Committee of five from the Assembly being appointed on the petition of John Merick, concerning a Certain Lot of Land Sold at Vandue in Wells,—Resolved that a Committee of Council join said Committee on the petition aforesaid. Member choosen M^r. Porter.

An Act for Levying a Tax on the unappropriated Lands in Whitingham, for the purpose of Repairing Roads & Bridges; and another Act

¹ See *Appendix D.*

Regulating the Choice of a Council of Sensors was Read, whereupon Resolved that Mr Allen wait upon the Assembly with some proposals of amendment.

An Act, in addition to an Act, Regulating the Militia was Read & approved with the addition of the Words "Brigadiers General" &c.

A Bill from the House, viz.

IN GENERAL ASSEMBLY, October 16th 1783.

A petition signed by a Number of the Inhabitants of the Town of Springfield, praying that John Barret Esq^r Justice of the Peace for the County of Windsor, may be impeached before the Governor and Council for Mal Administration in said office, being Read; Resolved that the Said Barret be impeached, and that Stephen R. Bradley Esq^r be & he is hereby authorized to Prosecute the s^d John Barret Esq^r by Impeaching him before the Governor and Council for Mal Administration.

Extract from the Journals.

ROS^L. HOPKINS, *Clk.*

IN GENERAL ASSEMBLY, October 29, 1784.

Resolved that Samuel Knight Esq^r be and is hereby Requested to prosecute the impeachment against John Barret Esq^r for Mal Administration before the Governor & Council.

Extract from the Journals.

ROS^L. HOPKINS, *Clk.*

True Copy. THOMAS TOLMAN, *Sec^y.*

An Act empowering the Administrators on the Estate of Eliakim Weller late of Manchester in the County of Bennington Dec^d. to make a Conveyance of a Certain Piece or pieces of Land was Rec^d. Read & approved.

Resolved that the Treasurer be & is hereby directed to pay His Excellency Thomas Chittenden Esq^r thirty six shillings L. Money on the Two penny Tax for cash expended by him for distilled Spirits for the use of the Militia on the Day of General Election.

An Act Regulating the Choice of a Council of Sensors was Rec^d. Read and approved.

An Act Granting to the Several persons Therein Named a free Pardon for their Several Crimes therein discribed was Rec^d. Read and approved.¹

Resolved that Thomas Tolman Esq^r be allowed £10 L Money p^r Month for his Services as pay master &c. &c. to this State, for the Time that he has been employed in the business, excepting such Time as he may have in attending to his own private Business; And the Committee of pay Table (on his acc^t thereof,) are instructed to Settle the Same and give order Accordingly.

The Hon^{ble} Gen^l. Jacob Bayley appeared & Took the Necessary Oath to qualify him to the office of chief Judge of the County Court in & for the County of Orange. Also John Bridgman Esq^r side Judge of the County Court in & for the County of Windham & justice of the Peace in & for said County—Also Benjamin Baldwin Esq^r Justice of the Peace in & for the County of Orange, were duly qualified to their Respective offices.

Resolved that Noah White Esq^r of More Town [Bradford] be and he is hereby appointed a side Judge of the County Court in and for the County of Orange, in the Room of Nathaniel Niles Esq^r Elected Judge of the Supreme Court of this State, and was accordingly Entered in the Commission of the County Court of said County of this day's date.

¹ See *Appendix C.*

Resolved that three agents be appointed to Transact the Necessary business of opening a free Trade to foreign Powers, thro the Province of Quebec, Agreeable to an Act of the Legislature of this State passed this day, intitled An Act for the purpose of opening a free Trade to & from the Province of Quebec. And that the Hon^{ble} Ira Allen Esq^r. Major Joseph Fay & the Hon^{ble} Jonas Fay Esq^r. be & hereby are appointed Agents or Commissioners for the purpose aforesaid, one or more of whom shall have full Power to Transact said business. And His Excellency the Governor is Requested to Grant a Commission accordingly.¹

Resolved that the first day of Jan^y. Next be and hereby is affixed [fixed] as the day for the payment of the whole of the Granting fees of the Township of More Town. Granted to Major John Barron, Col^o. Moses Hazen & the Inhabitants of said More Town, And in case of the failour of the payment of said fees at the Time aforesaid, it is hereby declared that the forfeiture of said Township is liable to be Taken of the Grantees; And that Major John Barron be served with a Copy of this Resolution.

Resolved that the papers in the Care of this Council belonging to Col^o. William Marsh, be delivered to him, except such papers as may be necessary to Support Tittle to Lands confiscated to this State; & Provided said Marsh Secure this State against any Debts that may be brought against the State on his acc^t.—Resolved that Col^o. Brownson & the Secretary of Council Determine & Diliver s^d papers Taking the Security Mentioned above.

Resolved that the Surveyor General be and he is hereby Authorized to appropriate that part of the Township of Carthage [Jay] which is not Granted to His Excellency the Governor, Towards defraying the expenses of Surveying Town lines, and also that he draw on the Two penny Tax granted in February last Two hundred pounds for the Same purpose, for all which he the said Surveyor General is accountable.

Resolved that *Michael Meerit* [Merritt] of Fairhaven be & he is hereby appointed a Justice of the Peace within & for the County of Rutland.

Debenter of Council am^t to £77 18 4.

Resolved that the Treasurer be & is hereby directed to pay Col^o. Isaac Clark out of the Two penny Tax Granted the last Session of Assembly the sum of three half Joes, four Moidores, four Guineas and four dollars, it being the sum the said [Clark] paid the Treasurer on the 11th. of Sept^r. 1777, which money he took from David Remington when said Remington was Taken as an Enemy to the United States as appears by a Rec^t. Lodged on the files of Council, as also the Value of Eleven Dollars in Continental Money at the date of said Rec^t. by the Scale of this State in manner as is above directed.

STATE OF VERMONT in Council Oct^r. 29th 1784.

Resolved that Col^o. Ira Allen be, & is hereby Appointed, Empowered, and directed, in pursuance of a Resolution of the General Assembly of this State passed at their Session in October 1783, to Devise and pursue Such Measures as he shall judge Necessary and most effectual for Obtaining the Book or Books Containing the Records of the Charters of the Townships of Land in this State, Granted by the late Governor & Council of the late Government of New Hampshire, which Records are Supposed to have been Carried to some parts of the British Dominions by His Excellency John Wentworth Esq^r. Late Governor of said Government or Province.

¹See *Appendix D*.

The General Assembly stands Adjourned to the first Thursday in June next to Meet at Norwich.

Council Adjourned without Day.¹

Attest, THOMAS TOLMAN, Secy.

END OF OCTOBER SESSION OCTOBER 29TH 1784.

RETURN OF THE APPOINTMENT OF THE FIRST COUNCIL OF CENSORS.

To His Excellency THOMAS CHITTENDEN Esqr. Capt. General, Governor, and Commander in chief, in and over the State of Vermont.

We the Subscribers beg Leave to inform your Excellency, that in Obedience to an Act of the General Assembly of the State of Vermont passed at their Session in October last, ordering & directing the choice of a Council of Censors, we convened at Londondary on the first Thursday of Instant May; And after carefully sorting & counting the votes of the Freemen, find that the following Gentlemen were chosen into said office namely: The Hon^{ble} EBENEZER WALBRIDGE, JONATHAN BRACE, MICAH TOWNSEND, EBENEZER MARVIN, INCREASE MOSLEY, ELIJAH ROBINSON, JOSEPH MARSH, EBENEZER CURTIS, JOHN SESSIONS, JONATHAN HUNT, BENJAMIN CARPENTER, STEPHEN JACOBS, & LEWIS BEEBE, Esquires.

Have the Honor to be your Excellency's obedient & Hum^{ble} Servants.

LEWIS BEEBE, Clerk for Bennington County.

OBADIAH NOBLE, do. for Rutland County.

BRIANT BROWN, do. for Windsor County.

SAMUEL GROW, Dep^t Sheriff of Orange County.

JOSHUA CONE, Dep^t Sheriff Windsor County.

Londondary, May 6th 1785.

To His Excellency THOMAS CHITTENDEN, Esqr. Captain General, Governor and Commander in Chief in and over the State of Vermont:

Agreeable to Your Excellency's Commission after having Sorted and Counted of the Votes of the Freemen of this State for a Council of Censors, I carefully filled the thirteen Blank Letters of your Excellency's with the Names of the Gentlemen who were elected into that office, agreeable to the Return made your Excellency of the 6th of May, And Delivered the Same to the several Clerks and Sheriffs of the different Counties wherein they Respectively belonged. I have the Honor to be with all due Respect your Excellency's Most Obedient Hum^{ble} Servant,

LEWIS BEEBE.

May 25th 1785.

A True Copy. Attest, THOMAS TOLMAN, Secy.

¹ From the *Assembly Journal*, Oct. 29 1784:

"Resolved that his Excellency the Governors salary for the present year be two hundred pounds L. Money, and the Treasurer is hereby Directed to pay the same,"

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

ADJOURNED SESSION WITH THE GENERAL ASSEMBLY

AT NORWICH, JUNE 1785.¹THURSDAY, June 2^d 1785.

Present His Excellency Thomas Chittenden Esq^r. His Honor Paul Spooner Esq^r. Hon^{ble} Thomas Moredock, Esq^r. John Throop Esq. Benjamin Wait Esq^r. *Sheriff*.

There not being a sufficient number of the Council present to constitute a Quorum,

Adjourned until 8 ° Clock Tomorrow Morning.

FRIDAY, June 3^d 1785.

Met according to Adjournment;

Present the Members as above; There not being a Quorum,

Adjourned to 8 ° Clock Tomorrow Morning.²

¹ Although this was an adjourned session, not the inauguration of a new government, there was a cavalry escort for the Governor, Lieut. Governor and others to Norwich, where they were met by a body of militia under the command of Col. Paul Brigham.—*Vermont Journal*, June 1 1785.

² From the *Assembly Journal*, June 3 1785:

Ordered, that General Enos be requested to wait on his Excellency the Governor, and inform him that a quorum of the House for transacting business is convened and ready to proceed upon business.

His Excellency came into the House, and laid before the Assembly the following papers, viz.

1. A return of the Council of Censors, chosen agreeable to constitution.—[See *ante*, p. 64.]

2. A resolution of Council prefixing a time of payment for the charter fees of Moor town [Bradford].—[See *ante*, p. 63.]

3. A petition from the inhabitants of Moortown, for postponing said time.

4. A Letter from General [Moses] Hazen, for the same purpose.

5. A caveat from General Hazen against granting said Moortown; which were read.

Gen. Hazen's claim was provided for by act of Jan. 25 1791, granting the town of Bradford to a committee of trust for the benefit of claimants. By this act, three thousand four hundred acres in the west part of the town were reserved for the General, on condition that he should pay, by the rising of the next Assembly, "Two Shillings lawful money in silver or gold" for each acre.—Ms. *Laws of Vermont*, Vol. II, p. 363. Failing to comply with this condition, the land reserved for Gen. Hazen was disposed of to John Barron, by act of Nov. 6 1792.—See Ms. *Laws of Vermont*, Vol. II, p. 453.

SATURDAY, 4th June 1785.

Met according to Adjournment.

Present the Members attending yesterday,—There not being a Quorum Adjourned to 9 o'Clock Monday next.

MONDAY, June 6th 1785.

Met according to Adjournment.

Present. His Excellency, Thomas Chittenden Esq^r. His Honor Paul Spooner, Esq^r. The Hon^{ble} Moses Robinson Peter Olcott Benjamin Emmons Thomas Moredock Ira Allen & John Throop Esquires.There being no Secretary present Resolved that M^r Daniel Buck, be and he is hereby appointed Sec^y. P. T. who was accordingly duly Sworn to the faithfull discharge of said office.Resolved that, the Hon^{ble} Peter Olcott & Ira Allen Esquires be a Committee to join a Committee from the General Assembly on the Petition of the Inhabitants of More Town, [Bradford,] to State facts and make Report thereon.Resolved that the Hon^{ble} Moses Robinson Esq^r. be a Committee to join a Committee from the General Assembly on the Memorial of William Marsh, praying the appointment of a committee to Examine into the Circumstances concerning a Certain Note, to state facts to the General Assembly at their Next Session.An Act entitled an Act to authenticate the Deeds therein Mentioned was Rec^d. Read and approved.

Resolved that Jesse Cook of Willmington be and he is hereby appointed a Justice of the Peace in and for the County of Windham; And that the Clerk of the County Court, be & he is hereby directed to Enter his name in the Commission of the peace in his office.

Resolved that Benjamin Olds Esq^r. of Marlborough in the County of Windham be and he is hereby appointed a Justice of the peace in & for said County of Windham; And that the Clerk of the County Court be and is hereby directed to Enter his name in the Commission of the Peace in his office.

Adjourned to 8 o'Clock Tomorrow.

TUESDAY, June 7th 1785.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. His Honor Paul Spooner Esq^r. The Hon^{ble} Moses Robinson Esq^r. Peter Olcott Benjamin Emmons Thomas Moredock John Throop & Ira Allen Esq^{rs}.

On the Representation of Lucy Prince, wife of Abijah Prince, and others shewing that, the said Abijah, Lucy and Family, are greatly oppressed & injured by John and Ormas Noyee, in the possession and enjoyment of a certain farm or Piece of Land, on which the said Abijah and Lucy now Lives, the Council having Taken the same into consideration and made due enquiry, are of Opinion that the said Abijah and Lucy are much injured, and that unless the Town Take some due Methods to protect said Abijah, Lucy & family in the enjoyment of their possession, they must soon unavoidably fall upon the Charity of the Town.

Therefore Resolved that His Excellency be Requested to write to the Selectmen of the Town of Guilford Recommending to them to Take some effectual Measures to protect the said Abijah, Lucy & family, in the Possession of said Lands until the said dispute can be equally & equitably settled.

The following Resolve was sent from the General Assembly, viz^t

IN GENERAL ASSEMBLY, June 7th 1785.

On Motion made by Mr Bradley, Resolved that a Committee of five to join a Committee from the Council be appointed to prepare a bill for the quieting Ancient Settlers &c. and make Report. The members choosen Mr Tichenor, Mr Chipman, Mr Knight, Mr Weld & Mr Loomis.

Extract from the Journals.

ROSL. HOPKINS, Clerk.

A True Copy. Attest, D. BUCK, Sec^y. P. T.

Whereupon Resolved that the Hon^{ble} Moses Robinson Esq^r. & the Hon^{ble} Ira Allen Esq^r. be and they are hereby appointed a Committee to join the Above Committee for the Above purpose.

Adjourned to 2 oClock P. M.

Met according to Adjournment.

The following Resolve was Rec^d. from the Council of Censors, viz^t

IN COUNCIL OF CENSORS 7th. June 1785.

Resolved that His Excellency & the Hon^{ble} Council of this State be Requested to inform this Board to whom they may apply to possess themselves of the Journals of Council from the formation of the Constitution, to the first Wednesday in June Instant, for their Inspection, and that his Excellency & Council be desired to give the Necessary directions for that purpose.

Resolved that Mr Carpenter be directed to Wait on His Excellency with a Copy of the foregoing Resolution.

Extract from the Minutes.

MICAH TOWNSEND, Sec^y.

True Copy. Attest, D. BUCK, Sec^y. P. T. of the Council of State.

Whereupon Resolved that His Excellency be Requested to inform the Council of Censors, that the Journals of the Governor & Council are Lodged with Thomas Tolman Esq^r. Secretary of Council at Arlington and also to give directions to the said Sec^y. of Council to Diliver them to the Council of Censors, on their application on his Return from New York.

Resolved that a Committee be appointed to join a Committee from the House to prepare a Bill for the exemption of all Lands within this State sequestered to public and pious uses, as well private Donations as public Grants, from all kinds of Taxation whatever.

Adjourned to 8 oClock Tomorrow Morn^g.

WEDNESDAY 8th June 1785.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. His Honor Paul Spooner Esq^r. The Hon^{ble} Moses Robinson Esq^r. Peter Oicott Esq^r. Benjamin Emmons Esq^r. Thomas Moredock Esq^r. John Throop Esq^r. Ira Allen Esq^r. & Samuel Fletcher Esq^r.

An Act entitled an Act Regulating the disposal of fees, fines and penalties was Rec^d. Read and approved.

Adjourned to 2 oClock P. M.

Met according to Adjournment—present as before.

Upon the petition of Stephen Chase praying for the Remittance of a Certain fine imposed on him by the Sup^reme Court the 14th day of September 1782, Resolved that said fine be and the same is hereby Remitted to the said Stephen.

On the petition of Joseph Foster, Resolved that Mr Fletcher be a Committee to join a Committee from the House to State facts and make a Report to the House.

On the Petition of Henry Tolls & others sent from the House for a Committee to join, Resolved that Mr. Moredock be a Committee to join a Committee from the House, to State facts & make Report to the House.

Adjourned to 8 o'Clock Tomorrow Morn^g.

THURSDAY, June 9th 1785.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. His Honor Paul Spooner Esqr. The Hon^{ble} Moses Robinson Peter Olcott Thomas Moredock Benjamin Emmons Ira Allen John Throop & Samuel Fletcher Esqrs.

On the petition of Joseph Hosford & Samuel Smith, Resolved that His Hon^r. Paul Spooner be a Committee to join a Committee from the House to State facts and make Report.

On Taking into Consideration the allegations &c. exhibited against Mr. Ebenezer Wests being Commissioned as a Justice of the Peace; Resolved that the Council are of Opinion that there is Nothing appears Sufficient to bar him from a Right to Receive a Commission, yet considering the very unhappy Dissensions among the Inhabitants of the Town, the Council judge that it will not be for the peace & prosperity of the Town [Vershire] for any one to be Commissioned at present.

An Act to Authenticate a Deed therein Mentioned, was Rec^d. Read & approved.

On a petition Signed Jehiel Webb Town Clerk of Rockingham; Resolved that Mr. Moredock be a Committee to join a Committee from the House to State facts and make Report.

The following Bill was Rec^d. from the House, viz^t.

STATE OF VERMONT. IN GENERAL ASSEMBLY, June 8th 1785.

Resolved that no person be admitted to speak in this House without he Obtain leave of the House by a member, except the Governor, Lt Governor and Members of Council.

Extract from the Journals.

ROS^L. HOPKINS, Clk.

True Copy. Attest, D. BUCK, Sec^y. P. T.

An Act entitled an Act to Authenticate a Certain Deed therein mentioned, to Jonathan Goodwin, was Rec^d.; Read, & approved.

An Act directing the form of passing Laws was Rec^d. Read and Approved.—See *ante*, p. 35.

An Act for the Establishing Two Ecclesiastical societies in the Town of Windsor was Read & approved.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

An Act Relative [to] the people Called Quakers was Rec^d. Read and approved.—[Might affirm.]

An Act for the punishment of divers sorts of Felonies, was Read and approved.

An Act for the Punishment of Drunkenness, Gaiming and Profane Swearing was Read and approved.

A Bill from the House, viz^t.

IN GENERAL ASSEMBLY, October 16th. 1783.

A petition signed by a Number of the Inhabitants of Springfield praying that John Barrit Esqr. Justice of the Peace for the County of Windsor may be Impeached before the Governor and Council for Mal Administration in said office being Read,

Resolved that the said Barret be Impeached & that Stephen R. Bradley Esqr. be and he is hereby Authorised, to prosecute the said John

Barret Esq^r by Impeaching him before the Governor and Council to final Judgment for Mal Administration.

Extract from the journals.

ROSL. HOPKINS, *Clk.*

True Copy. Attest, D. BUCK, *Secy. P. T.*

The following impeachment against John Barret Esquire was laid before Council:

The Honorable the General Assembly vrs. John Barret Esquire.

To His Excellency Thomas Chittenden Esq^r Capt. General and Commander in chief, and Hon^{ble} Council of the State of Vermont, to be convened at Norwich in the County of Windsor on the first Tuesday of June in the year of our Lord 1785, Comes Stephen R. Bradley Esq^r Attorney to the Hon^{ble} the General Assembly of the State of Vermont, pursuant to the true intent and meaning of a Resolution passed in General Assembly October 16th 1783, authorising and empowering the said Attorney in behalf of the General Assembly to prosecute John Barret Esq^r of Springfield in the County of Windsor, one of the Justices of the Peace within and for said County of Windsor, before the Governor and Council to final Judgment for Male Administration, and in behalf of the General Assembly assigns the following facts which the said John Barret Esq^r in the Male Administration of his office as Justice of the Peace has done, viz^t For that Whereas the said John Barret Esq^r on the 20th day of May 1781 at said Springfield did Corruptly partially and injuriously render judgment and award Execution against Ozemas Holmes of said Springfield at the suit of Caleb Shaw then late of said Springfield, when the said John Barret Esq^r well knew the said Shaw & Holmes to have settled & to have given orders for the said suit of the said Shaw to be withdrawn, And also for that the said John Barret Esq^r at said Springfield on the 28th day of July 1782 did corruptly and injuriously Issue a Summons against Asahel Powers of said Springfield at the suit of Doctor Frink of Keene, and did afterwards render judgment on a certain account contained in a Scadule annexed to the Summons and Taxed a large bill of Costs against said Powers to oppress and injure said Powers, and award Execution thereon, when the Said Powers before the Time of Issuing the said Summons, had before the said John Barret Esq^r confessed Judg^t on the same account, and the said Barret well knew the Same; And also for that whereas the said John Barret Esq^r did Corruptly oppressively and injuriously on the 20th day of August 1783 at said Springfield, render Judgment and award Execution against Richard Prouty of Brattleborough in the County of Windham at the Suit of John Prouty when the said Barret well knew the said John for three years then last past before rendering said Judgment to have been Dead, And also for that the said John Barret Esq^r thro' the whole course of His Administration as a Justice of the Peace, has excited and encouraged many needless & vexatious Law suits to enhance bills of Costs to the oppression of the People, to the great injury of the Common Weal and against the Peace and dignity of the freemen of the State of Vermont.

Signed at Westminster this 3^d day of May 1785.

STEPHEN R. BRADLEY.

WARRANT OF CITATION *To Samuel Avery of Westminster in the County of Windham, GREETING—*

In the name and by the authority of the Freemen of the State of Vermont, You are hereby commanded to make known to John Barret Esq^r of Springfield in the County of Windsor, one of the Justices of the Peace within & for said County of Windsor, that he be before the Governor and Council to be convened at Norwich in the County of Windsor

on the 9th day of June next, then and there to answer to the foregoing bill of Impeachment, and the Several Aligations therein contained, And to do and Suffer as to Law and Justice appertains—Hereof Fail not but due returns [make] according to Law. Dated at Westminster this 1st day of May 1785.

MICAH TOWNSEND, Secy.

SPRINGFIELD May 20th 1785.

In obedience to the within (meaning foregoing) command I served the within (Meaning foregoing) Precept or Notification, on the within (Meaning foregoing) John Barret Esq^r. by a True Coppy of the same at his usual place of abode—

Attest SAMUEL AVERY,

Fees £0 18 8

Authorized to serve this Writt.

The Parties being called. Mr. Bradley for the General Assembly appeared and Mr. Justice Barret for himself personally appeared and being questioned Plead not Guilty, And the Council having heard Evidence Adjourned until Tomorrow Morning 8 o'Clock.

STATE OF VERMONT Friday June 10th 1785.

Council met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. His Honor Paul Spooner Esq^r. Hon^{ble} Petter Olcott Thomas Moredock B. Emmons Ira Allen John Throop Samuel Fletcher Jonas Fay & Samuel Safford Esq^{rs}. Councilors.

On a bill from the House appointing Mr. Walbridge, Mr. Underwood, Mr. Barlow and Mr. Nutting a Committee on the five petitions of Bethel inhabitants, Braintree inhabitants, Rochester Proprietors, Bethel proprietors, & Royalton Inhabitants, to Join a Committee from Council to state facts & make Report—Resolved that Mr. Olcott join said Committee.

On a bill from the House appointing Mr. Powel, Mr. Olin, Mr. Matucks, Mr. Clark, Mr. Bullock, Mr. Knoulton, Mr. Brown, Mr. Wild, and Mr. Bayley a Committee on the petition from part of the Inhabitants of Hartland & Hartford, to join a Committee from Council to state facts & make Report—Resolved that Mr. Emmons join said Committee.

On a bill from the House appointing Mr. Strong, Mr. Bayley, Mr. Barlow, Mr. Walbridge & Mr. Ormsby a Committee to join a Committee from the Council on the Representation of the Surveyor General of the necessary assistants and supplies to Compleat the Surveys of the Northern part of the Town lines in this State, to Report some proper Method for compleating the Survey &c. Resolved that Mr. Safford & Mr. Fletcher join said Committee.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

Resolved that Moses Robinson Esq^r. be and he is hereby appointed to join a Committee from the House of Assembly on the petition of Benjamin Davis and others.

On the petition of John Wheelock Esq^r. sent from the House for a Committee to join. Resolved that Mr. Fay join said Committee.

On the petition of Ruben Harmon Esq^r. sent from the House for a Committee to join. Resolved that Mr. Allen join said Committee.

An Act for Licencing & better Regulating Taverns was read and Concurred.

An Act Impowering the Authority and Selectmen of the several Towns in this State to abate a certain part of the several Taxes was read & Concurred.

An Act for Preventing Riots &c. was read & concurred.

On a Bill from the House appointing Mr. Ormsby, Mr. Niles, & Mr. Lee, a Committee on the petition of Jeduthan Roberts and others, for a Committee to join a Committee of Council to state facts and make Report, Resolved that Mr. Moredock join said Committee.

On a bill from the House appointing Mr. Bullock, Mr. Tichenor, Mr. Lee a Committee on the petition of Mr. Child to join a Committee from Council to state facts and make report, Resolved that Mr. Fay join said Committee.

Adjourned to 8 o'clock Tomorrow Morning.

SATTARDAY, June 11th 1785.

Council met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. Hon^{ble} Paul Spooner Esqr. Hon^{ble} Moses Robinson Jonas Fay Samuel Safford Benjamin Emmonds John Throop Samuel Fletcher Thomas Moredock Peter Olcott & Ira Allen, Esq^{rs}.

Resolved that Hiland Hall of Cornwall be and he is hereby appointed a Justice of the Peace in and for the County of Rutland and that the Clerk of the County Court in said County be directed to enter his name in the Commission of the Peace for that purpose.

An Act for duly regulating the serving of Executions was Read and approved.

Resolved that Michael Flynn of Bethel be and he is hereby appointed a Justice of the Peace in and for the County of Windsor, and that the Clerk of the County Court be directed to Enter his name in the commission of the Peace for that purpose.

Resolved that Gideon Horton of Brandon be and he is hereby appointed a Justice of the Peace in & for the County of Rutland, and that the Clerk of the County Court be directed to enter his name in the Commission of the Peace in & for said County.

Resolved that Timothy Cowles of Brookfield be and he is hereby appointed a Justice of the Peace in & for the County of Orange, and that the Clerk of the County Court in & for said County be directed to enter his name in the said County Commission for that purpose.

Resolved that Silas Safford of Fairhaven be and he is hereby appointed a Justice of the Peace in & for the County of Rutland, & that the Clerk be directed to enter his name in the commission in said County for that purpose.

Resolved that Edmond Bigelow of Middletown be and he is hereby appointed a Justice of the peace in and for the County of Rutland, and that the Clerk of the County Court in & for said County be directed to Enter his name in the said County commission for that purpose.

The Council having taken into consideration the impeachment against Mr. Justice Barret, & the Several Aligations and Matters of charge therein contained, & having fully weighed the evidence and heard Council for & against him, do adjudge and determine that the said Justice Barret is guilty of Mal Administration in the Execution of his office as justice of the Peace, Whereupon it is ordered and decreed that the said justice Barret be and he is hereby suspended from the exercise of his said office, as a justice of the Peace, for the Term of six Months from the date of this decree, and pay the cost of Prosecution.

On the motion of Mr. Jacob in behalf of Mr. Justice Barret for a Review of the cause of his impeachment before the Council, Resolved that though the Council are disposed to grant every indulgence, yet it being

inconsistent with reason and the Spirit of the Constitution to alter or suspend a decree made in Council upon an impeachment, no review can be granted without order of the Legislature.

Adjourned to 9 o'clock Monday next.

MONDAY, 13th June 1785.

Council met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. Govr. His Honor Paul Spooner Esqr. Lt Govr. The Hon^{ble} Moses Robinson Peter Olcott Jonas Fay Thomas Moredock Samuel Fletcher Samuel Safford Ira Allen & John Throop Esqrs. Council.

Adjourned to 2 o'clock P. M.

Met according to Adjournment, And Adjourned until Tomorrow Morning 8 o'clock.

TUESDAY, 14th June 1785.

Met according to Adjournment.

An Act authorising Samuel Canfield of New Milford in the State of Connecticut Esqr. to act on a certain Resolve of the Governor and Company of the State of Connecticut within this State, Passed the House and Concured in Council.

Appointed his honor Paul Spooner Esqr. to join a Committee from the House, on the petition of Luke Knoulton Samuel Knight Esqrs. and others.

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

An Act granting to the Trustees of Dartmouth College 'Twenty three Thousand acres of Land, and to the president of Moors Charity School, to & for the use of said College and School forever, having passed the House was Read and concurred.¹

JONAS FAY, Sec^y. P. T.

Mr. Olcott was appointed to join a Committee from the House of Assembly on the petition of Andrew Graham.

An Act empowering the Inhabitants of Sharon to Levy a Tax of one penny on each acre of Land in said Town was read & concurred.

Resolved that his Honor Paul Spooner Esqr. and Mr. Fletcher be and they are hereby appointed a Committee to Tax a bill of cost in the case of Impeachment by the Hon^{ble} House of Assembly vs. Mr. Justice Barret.

Adjourned to 8 o'clock Tomorrow Morning.

WEDNESDAY, Norwich 15th June 1785.

Met according to Adjournment.

The following is the bill of cost Taxed in the cause of the General Assembly vs. Mr. Justice Barret viz^t

¹ The word concurred is often written "concured" on the records. It has not been deemed necessary to perpetuate an error which is chargeable sometimes to haste, and sometimes probably to the ignorance of the person who copied the original minutes into the record.

Impeachment	£0 12 0	Clerks fees	£0 6 0
Summons	1 6	Attorn ^{ys} fees	1 10 0
Service of do.	18 8	Travel & Att ^{ee}	18 6
Subpœneas for 53 W—4 ^a	17 8	Do. witnesses	6 2 0
Service of do. p ^r M ^r Avery	3 12 0		
Service of do. by Giffun	13 6	Total,	£15 11 10
Adjourned to 2 ^o Clock afternoon.			

Met according to Adjournment.

An Act granting to Reuben Harmon Jun^r Esq^r a Right of coining copper, and Regulating the same, was passed and concurred in Council.

Adjourned to 8^o Clock Tomorrow Morning.

THURSDAY, 16th. June 1785.

Met according to Adjournment.

An Act Levying two Taxes, one of 4^d. on the pound to be paid in State Securities, And one other Tax of 3^d. on the pound payable in hard money, or any hard money orders, by the first day of September next, passed the House and concurred in Council.

STATE OF VERMONT. IN GENERAL ASSEMBLY June 16th. 1785.

Resolved that the Governor and Council be and they are hereby im-
powered to give John Barret Esq^r a new hearing on the Impeachment
against him, at the next Session of Assembly (if they shall judge
proper,) and that the said John Barret Esq^r be suspended in officiating
in the office of Justice of the Peace until a final Trial can be had.

Extract from the Journals.

ROSL^r. HOPKINS, *Clk*.

Resolved that John Barret Esq^r be and he is hereby Permitted to have
a new hearing in the Action of Impeachment brought against him by
the General Assembly; and that the time assigned by this Council for a
rehearing of the said cause of Impeachment be the Tuesday following
the next General Election.

The said John Barret Esq^r acknowledges himself recognized to the
Treasurer of this State in the sum of fifty pounds Lawful Money to pro-
secute his action of Impeachment to effect.

JONAS FAY, *Secy. P. Tem.*

An Act granting a Tax of one penny on the acre in the Township of
Fairlee was Read & Concurred in Council.

Adjourned to 2^o Clock afternoon.

Met according to Adjournment.

Resolved that Benoni Cutler be and he is hereby appointed a Justice
of the Peace within & for the County of Orange, and that the Clerk of
the said County Court be directed to enter his name in the Commission
of the Peace in said County for that purpose.

Resolved that Abner Osgood of Guildhall be and he is hereby ap-
pointed a Justice of the Peace in and for the County of Orange, and that
the Clerk of the County Court in and for said County be directed to
enter his name in the Commission of the Peace for that purpose.

M^r. Emmons is appointed a Committee to join a Committee from the
House on the petition of John Mirick.

M^r. Safford is appointed to join a Committee from the House to see
wheather the Commissary General is under pay & Report their Opinion.

An Act to Levy a Tax of three pence on each acre of Land in the
Township of Thetford (public Lands excepted) for the purpose of erect-
ing a Meetinghouse in said Town passed the House of Assembly and
Concurred in Council.

An Act for Levying a Tax of one penny on each acre of Land in the Town of Marlboro' (public Lands excepted) for repairing roads passed & concurred in Council.

An Act Liberating John Chandler Esq^r from Prison on conditions therein named was passed & Concurred in Council.

An Act in addition to, & Explanation of an act, Intituled an act Regulating Proprietors Meetings, passed & Concurred in Council.

Adjourned to 8 °Clock Tomorrow Morning.

FRIDAY, 17th. June 1785.

Met according to Adjournment.

Samuel Fletcher Esq^r Moved for Leave of Absence. Granted.

An Act for Quieting Ancient Settlers Read and Concurred.

An account of thirteen shillings in favour of Oliver Waters was exhibited by S. R. Bradley Esq^r—the same being examined and approved, the Treasurer is directed to pay the same, to Captain Micah Gilson out of the hard money Taxes. £0 13 0

An account exhibited by the Governor for two pounds nine shillings & six pence was Allowed, and the Treasurer is directed to pay the same out of the hard money Tax. £2 9 6

Resolved that the Treasurer be and he is hereby directed to pay out of any hard money Tax unto his Excellency Thomas Chittenden Esq^r Eight pounds L Money to be deducted from his sallary for the year 1787.¹ £8 0 0

Moses Robinson and Samuel Safford Esq^{rs}. Moved for Leave of Absence. Granted.

Adjourned to 2 °Clock afternoon.

Met according to Adjournment.

Resolved that the Treasurer be and he is hereby directed to pay out of any hard Money Tax, Twenty shillings L Money unto Daniel Buck Esq^r for the use of his house &c. £1 0 0

An Act altering the Time of the Sitting of Superiour Court was Read & Concurred.

An Act in explanation of an Act intituled an act for the purpose of Levying the Respective taxes therein mentioned; was read and Concurred.

An Act to vacate all the proceedings of the Legislature of this State, Respecting the bounds of Guildhall, was read & Concurred.

Adjourned to 7 °Clock Tomorrow Morning.

SATURDAY, 18th June 1785.

Met according to Adjournment.

An Act to Prolong the time of redemption to a Lott of Land in Wells was read and Concurred.

An Act to raise one penny on the acre on the lands in Strafford for making & Repairing Roads, was read, and Concurred.

An Act, impowering Stephen Hard Adm^r to sell part of the real estate of Abraham Hard Deceased was read and Concurred.

An act confirming Andrew Graham of Putney in the county of Windham, in the peaceable & quiet possession of the Farm on which he now

¹ Thus on the record. Doubtless the year named in the original resolution was 1784, meaning Oct. 1784 to Oct. 1785.

lives in said putney; And rendering all judgments respecting the possession of the Same heretofore had and rendered by any Court of Law whatsoever Null and Void—Read & Concurred.

An act to Secure Daniel Marsh in the Possession of his Farm until he shall have opportunity of recovering his betterments; and Nullifying several Judgments rendered against him, was read & Concurred.

An Act Levying a Tax of one penny on the acre on all Lands in the Town of Shrusbury (public Lots excepted) for the purpose of repairing Roads & building Bridges; was Read & concurred.

Resolved that the Treasurer be & he is hereby directed to pay unto Stephen R. Bradley Esq^r States Attor^y nine pounds, nine shillings & Ten pence L. Money on any hard money Tax, being the whole of the bill of cost Taxed in the cause of Impeachment by the General Assembly, against Mr^r Justice Barret; Except Six pounds & Two shillings for the Witnesses Travel and Attendance. £9 9 10.

An act empowering the Town of Rockingham to Levy a Tax &c. was Read & concurred.

Resolved that W^m. Brush of New Haven be and he is hereby appointed a Justice of the Peace in & for the County of Rutland; and the Clerk of the County Court of said County is hereby directed to enter his name in the Commission of the Peace for that purpose.

Resolved that Benjamin Henry of Halifax in the County of Windham be and is hereby appointed a justice of the Peace in and for the County of Windham; and the Clerk of the County Court of said County is hereby directed to enter his name in the Commission of the peace for said County for that purpose.

An act, directing the Sec^y. to Omit recording such Acts of the Legislature of this State as have been revised by the Committee of Revision passed in the present Session, Read & Concurred.

Resolved that the Treasurer of this State be & is hereby directed to pay John Norton four pounds sixteen shillings & six pence in hard money. £4 16 6

Resolved that the Fees on the Gore of Land Granted to Timothy Blacke and others be one shilling p^r acre to be paid in hard money within one Month from this date, or revert to the State.

Resolved that the fees on the Gore of Land Granted to Governor Spooner, and others, be one shilling p^r acre to be paid in hard money within one Month or Revert to the State.

IN COUNCIL June 18th. 1785.

Whereas by a Resolution passed in Council, October 16th. 1784, discharging John Fasset Jun^r Esq^r. from Certain papers which before that Time, the said Fasset had held as Commissioner of Sequestration which papers were the property of Certain Absentees, It has been Doubted whether said Resolution might not be plead in discharge of any Action brought against said Fasset by the Auditors of public accounts to compel him to account, for all Moneys, Goods, Chattles or Estate he at any time Rec^d. as Commissioner of Sequestration—The better to explain said Resolution.

Resolved that said Resolution of Council passed the 16th. of October 1784 as aforesaid be and hereby is declared to be considered to operate no further in Law than a Receipt of the Certain papers therein Contained, of which all Courts of Law are to Take Notice & Govern themselves accordingly.

END OF JUNE TERM.

Attest,

JOSEPH FAY, Sec^y.

THE NINTH COUNCIL.

OCTOBER 1785 TO OCTOBER 1786.

THOMAS CHITTENDEN, Williston, *Governor*.

PAUL SPOONER, Hartland, *Lieutenant Governor*.

Councillors :

TIMOTHY BROWNSON, Sunderland,	JOHN THROOP, Pomfret,
MOSES ROBINSON, Bennington,	THOMAS PORTER, Tinmouth,
PETER OLCOTT, Norwich,	THOMAS MURDOCK, Norwich,
BENJAMIN EMMONS, Woodstock,	SAMUEL SAFFORD, Bennington,
JOHN FASSETT, jr., Cambridge, ¹	NATHANIEL NILES, West Fairlee,
SAMUEL FLETCHER, Townshend,	SAMUEL MATTOCKS, Tinmouth.

THOMAS TOLMAN, Arlington, *Secretary*.

IRA ALLEN, and AMOS THROOP, *Sec. pro tempore*.

BIOGRAPHICAL NOTICES.

NATHANIEL NILES was born in South Kingston, R. I., April 3 1741; commenced a collegiate course at Harvard, and completed it at New Jersey College in 1766; taught awhile in New York city; studied law, medicine, and theology, the last under the Rev. Dr. Bellamy; resided and preached for a time at Norwich and Torrington, Conn.; and settled in Fairlee, Vt., [West Fairlee after 1797,] in 1779, where his various accomplishments were highly useful. At Norwich he distinguished himself as an inventor, having succeeded in discovering a process of making wire from bar-iron by water-power, and connected with this business the manufacture of wool-cards. He was also a poet, writing in October 1775, and in February 1776 publishing in the *Connecticut Gazette*, the ode entitled the *American Hero*,² which has in recent days been character-

¹ Judge Fassett removed to Cambridge in the summer of 1784.

² See Miss Hemenway's *Poets and Poetry of Vermont*, revised edition; also her *Vt. Historical Magazine*, Vol. II, p. 911; and Duyckincks' *Cyclopædia*, Vol. I, p. 440.

ized as "one of the finest and most popular productions of the war" of the revolution. This ode was set to music by Rev. Dr. Sylvanus Ripley, and was almost universally sung in the churches and religious assemblies of New England, and became the war-song of her soldiers.¹ The other published works of Mr. Niles were four discourses in 1773, on secret prayer; in 1774 two discourses on confession of sin and forgiveness, and two on the perfection of God, the fountain of good; and in 1809, a sermon on vain amusements, and a letter to a friend. Mr. Niles at once found himself a leading man in the neighborhood of his Vermont home; and from 1784 until 1815 he was almost constantly in the service of the public as town Representative, state Councillor, member of the Council of Censors, delegate in Constitutional Conventions, Member of Congress, [with Israel Smith, one of the first representatives of Vermont in 1791,] and Judge of the Supreme Court. Nevertheless the multiplicity of civil duties did not prevent religious duties, and it is recorded to his credit that for twelve years he preached at his own house, or in other private dwellings. He was thus true also to his lineage, having been a grandson of Samuel Niles, the famous minister and author of Braintree, Mass. Judge Niles married, first, a daughter of Rev. Dr. Joseph Lathrop of West Springfield, Mass.; and, second, Elizabeth Watson, daughter of William Watson, Esq., of Plymouth, Mass., a lady who corresponded with the most eminent philosophers and theologians of England, and whose writings "are models of eloquence and beauty, and bear the impress of an earnest and devoted evangelical spirit."² The first wife bore one son and three daughters; and the last, two sons and three daughters, none of whom are now living. Two of the sons, William and Watson, were liberally educated and of considerable note; and a third, Nathaniel, first born of the second Mrs. Niles, was a gentleman of culture who was long in the service of the United States as charge d'affaires at Sardinia, secretary of legation under Gen. Cass at the court of France, and acting plenipotentiary at the court of Austria.—See *Vermont Historical Magazine*, Vol. II, pp. 907-911; Duyckinck's *Cyclopædia of American Literature*, Vol. I, pp. 440, 441; Drake's *Dictionary of American Biography*; Allibone's *Dictionary of Authors*; Lanman's *Dictionary of Congress*; and Deming's *Catalogue*.

SAMUEL MATTOCKS came from Hartford, Conn., to Tinmouth, Vt., in 1778 or 1779, and first appeared in public service as one of the representatives of Tinmouth, which office he held four years successively, from 1781 to 1785; in 1785 he was a member of the Council, and was re-elected in 1786 but declined; 1783 to 1788, and again in 1794, he was

¹ Rev. Dr. Ripley was Professor of Divinity in Dartmouth College, 1782-1787, and the father of Maj. Gen. Eleazer Wheelock Ripley of the U. S. army, and of the wife of Hon. Nicholas Baylies of Montpelier.

² *New York Observer*, March 1859.

assistant judge of Rutland county court; and chief judge in 1788-9, one year; state treasurer from 1786 until 1800; and a member of the Council of Censors in 1792. Thus it appears that he was constantly in public offices for twenty years. His position as state treasurer for so long a period indicates firm confidence in his ability and integrity. He was the father of Gov. John Mattocks, who was the youngest son, and once jocosely said, "My brother rode through college to the law, but I came up afoot."—See *Vermont Historical Magazine*, Vol. 1, pp. 367, 368; and Deming's *Catalogue*.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT WINDSOR,

OCTOBER 1785.

IN COUNCIL, Windsor, 13th October 1785.

Present His Excellency Thomas Chittenden Esq^r, His honor Paul Spooner Esq^r. Lt Gov^r. Together with the Hon^{ble} Members of Council.

Having appointed a Committee of Council to receive sort and count the votes of the freemen for officers of Government for the year Ensuing the following is their Report, viz^t

WINDSOR Thursday October 13th 1785.

To His Excellency the Governor, and Council, and the Hon^{ble} General Assembly.

The joint-Committee consisting of the Committees appointed from the Council & General Assembly, to sort & Count the votes of the freemen of this State for *Governor Deputy Governor Treasurer and Councilors* for the year ensuing, & declare the persons choosen Report, That having Rec^d. sorted and counted the votes of said Freemen, they find the Election to be as follows; viz^t His Excellency Thomas Chittenden Esq^r. Gov^r. His honor Paul Spooner Esq^r. Lt Gov^r. No choice of Treasurer. The Honorable Timothy Brownson, Moses Robinson, Peter Olcott, Thomas Moredock, Benjamin Emmons, Samuel Fletcher, John Fassett Ju^r. John Throop, Thomas Porter. Samuel Safford, Nathaniel Niles, & Samuel Mattucks, Esquires Councilors for the Ensuing year.

Attest

MOSES ROBINSON, for Com^{tee}.¹

¹ No account of election-day services is found. Rev. Asa Burton preached the election sermon.

FRIDAY, October 14th 1785.

The Governor and Council proceeded to join the General Assembly for Electing a Treasurer for the year Ensuing and the Ballots being taken the Hon^{ble} Ira Allen Esq^r. was Elected.

His Excellency the Governor & the Hon^{ble} Council being present (except Mr^r Olcott & Mr^r Mattocks) were duly sworn to office. The Council then Returned to the Council Room.

Resolved that Thomas Tolman be and he is hereby appointed Secretary to the Gov^r & Council for the year Ensuing, and was accordingly sworn.

A bill was rec^d. from the General Assembly appointing Mr^r Olin, Mr^r Strong, Mr^r Knight, Mr^r Wait, and Mr^r White a Committee to join a Committee from the Council, "to arrange the necessary business of the present Session & make report to this House," whereupon Resolved that a Committee of three be appointed to join said Committee; Members choosen Mr^r Robinson, Mr^r Fassett & Mr^r Niles.

Resolved that the Council concur with the General Assembly, in granting the Prayer of the Petition of Samuel Mattocks & David Spafford Administrators on the Estate of Daniel Edgerton, praying that the said David Spafford be impowered to sell so much of the real Estate of the said Daniel Edgerton Dec^d. as will pay the sum of £998 L Money for the purpose of paying the Debts due from said Estate, together with the necessary costs arising on said sale, and directing that a bill be brought in accordingly.

An Act. entitled an Act impowering one of the Administrators of Capt. Daniel Edgerton Dec^d. to sel real Estate of said Edgertons, having passed the General Assembly was read & concurred.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly, on a petition signed John White, praying that a Law be made to enable Joel Rose to execute Certain deeds of Land mentioned in said petition. Resolved that Mr^r Brownson join said Committee.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly, on a petition signed Asa Wheeler Town Clerk of the Town of Cavendish, praying that a Tax of two pence on each acre of Land in s^d. Town be granted for the purpose of building a Bridge over Black river in said [town] &c. Resolved that [Mr.] Moredock join said Committee.

Resolved that the Council Concur with the General Assembly in Granting the prayer of the petition of Aaron Scott, & Martha Douglas, praying that the said Aaron Scott & Martha Douglas be impowered to sell so much of the real Estate of William Douglas Dec^d. as will pay the Sum of £59 L Money &c. & ordering that a bill be Brought in accordingly.

An act, entitled an act empowering the administrators to the Estate of William Douglas (of Cornwall) to sell part of the Real Estate of said Douglas having passed the Gen^l. Assembly was Rec^d. Read & concurred.

A petition signed Joel Walker, Jonathan Maltbee & sundry others Inhabitants of the Town of *Vershire* praying that Doctor Thomas Porter of said Town be appointed a justice of the Peace was rec^d. & read.

Resolved that Mr^r Amos Fassett of Cambridge in the County of Rutland be and he is hereby appointed a Justice of the Peace in and for the said County of Rutland for the time being, and that the Clerk of the County Court for said County enter his name in commission of the Peace of said County accordingly.

Adjourned to 2 oClock P. M.

Met according to Adjournment.

His Honor Paul Spooner Esq^r. Deputy Governor being duly sworn took his seat in Council.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly, on a petition signed William Shattuck praying for a remission of £25 for which he stands bound & obliged to the State as a fine for his past Treasonable Conduct. Resolved that Mr. Fletcher join said Committee.

Resolved that a Committee be appointed [to join a Committee] from the General Assembly on a Petition of the Selectmen of the Town of Stamford in behalf of the inhabitants of said Town, praying the Grant of a Lottery for the purpose of Opening a Road from said Town to Bennington &c. Resolved that Mr. Fletcher join said Committee.

Resolved that this Council Concur with the General Assembly in Granting the Prayer of the Petition of James & Ebenezer Ambler, Administrators on the Estate of John Ambler late of Brandon Deceased, praying Leave to sell so much of the real Estate of the said Dec^d. as will pay the Sum of £56 17 10 L Money together with the incidental charges arising on such sale & ordering that a bill be brought in accordingly. An act Entitled an Act intitled an act empowering the Administrators of the Estate of John Ambler dec^d. to sell part of the real Estate of said Ambler, having passed the General Assembly was Rec^d. and Read & Concurred by Council.

Adjourned to 8 oClock Tomorrow.

SATURDAY, October 15th 1785.

Met according to Adjournment.

Resolved that the Council Concur with the General Assembly in Granting the prayer of the petition of Zadock Averist [Everest] & Ezra Squire Administrators on the Estate of Odel Squire late of Ferrisburgh deceased praying that the Hon^{ble} Assembly enable them to sel so much of the real Estate of the said Odel Squire deceased as shall be sufficient to discharge the debts due from said estate as afores^d. being £111 17 1, and giving leave that a bill be brought in accordingly.

An act Entitled an Act enabling Captain Zadock Averist and Ezra Squire Adm^{rs} on the Estate of Odel Squire late of Ferrisburgh Dec^d. to sell so much of the Real Estate of the said Odel as shall Ammount to the sum of £111 17 1 together with Cost arising on said sale, having passed the General Assembly was Rec^d. Read and Concurred.

Resolved that a Committee be appointed to join a Committee from the General Assembly on the petition of Jonathan Childs praying for a New trial in a Certain case with Joseph Kimball refered from October 1784 to the present Session to hear the parties, state facts and make Report to the General Assembly. Resolved that Mr. Brownson join said Committee.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly on the petition of Lois Button, praying that the Granting fees of a Certain Right of Land now in possession of the said petitioner be remitted and forgiven her, to take the same under consideration state facts & make report. Resolved that Mr. Emmons join said Committee.

The Honorable Ira Allen appearing in Council informed them that he concluded to accept the office of Treasurer whereupon he was duly sworn to that office.

On Motion ordered that Mr. Niles have Leave to bring in a form of a bill to be laid before the General Assembly to be passed into an Act for

the purpose of more effectually securing such persons as purchase Lands within this State.

A bill was rec^d. from the Council of Censors Impeaching Col^o. Matthew Lyon, “for refusing to deliver to y^e order of this Board (viz.) the council of Censors, the Records of Confiscation,” and was read.

The Hon^{ble} Peter Oleott Esq^r attended Council was duly sworn and took his seat.

Adjourned to 2 o’Clock P. M.

Met according to Adjournment—

And after the consideration of sundry Matters not of Record, Resolved to Adjourn until 9 o’Clock Monday next.

MONDAY, October 17 1785.

Met according to Adjournment.

The following Bill was Rec^d. from the General Assembly & Read viz^t.

STATE OF VERMONT. IN GENERAL ASSEMBLY, 17 Oct^r 1785.

Resolved that the second thursday of November next be and is hereby appointed a day of public thanksgiving to be observed throught this State, & that a Committee of two be appointed to wait on his Excellency the Governor and Request him to Issue his Proclamation accordingly as soon as may be so that the several members may have a Copy of said Proclamation to carry home with them. Members choosen M^r Bradley & M^r White.

Extract from the journals.

Sign^d. Ros^L. HOPKINS, Clerk.

Wherefore Resolved that a Committee of Two be appointed to make a draft for a Proclamation agreeable to the foregoing Bill. Resolved that M^r Niles and M^r Secretary compose said Committee.

Resolved that a Committee be appointed to join a Committee appointed from the Gen^l Assembly on the petition of Moses Robinson and John Fasset Esq^{rs}. praying for Relief and redress in the Matter of a Loan of £543 12 0 made to the State by the said Moses Robinson thro the hands of the said John Fasset. Resolved that M^r Niles join s^d. Committee.

Resolved that a Committee be appointed to join a Committee from the General Assembly to take under consideration the 8th article in arrangement of business—to take into consideration the mode of Granting County [Taxes]” and report thereon. Resolved that M^r Niles join s^d. Committee.

Resolved that a Committee be appointed to join a Committee appointed by the General Assembly to take under consideration the 7th article in the arrangement of business which is “to make some regulation for the payment of debts due from Confiscated Estates.” Resolved that M^r Safford join said Committee.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly viz^t M^r Knight, M^r Olin, M^r Knoulton, M^r Chipman, & M^r Speaker, to take under consideration the first and second articles of the arrangement &c.—the first “to explain the Law of the State Regulating Civil Actions” and the 2^d “to make some regulations in the mode of Commencing & prosecuting causes in Error,” & make report. Members choosen M^r Robinson and M^r Fasset.

The following order was Rec^d. from the G. Assembly:

STATE OF VERMONT. IN GENERAL ASSEMBLY, }
17th October 1785. }

Ordered that tomorrow at the opening of the House in the afternoon be assigned to choose Judges of the Supreme Court, And that His Ex-

cellency the Governor & Council be informed of this Resolution, and that they be Requested to Attend at that Time.¹

Extract from the journals. Signed Ros^l. HOPKINS, Clerk.

Adjourned to 2 oClock P: M:

Met according to Adjournment.

On Motion ordered that Tomorrow Morning 10 oClock be assigned for the Trial of Colonel Mathew Lyon on the impeachment ordered by the Council of Censors; & that a Copy of this order be Transmitted to the General Assembly (now sitting) by the Secretary, that they have opportunity to give necessary order to the prosecution of said cause.

An act, entitled an act to enable Joel Rose Administrator on the Estate of Samuel Rose late of Manchester deceased to give a deed of Land therein directed (200 acres) having passed the General Assembly was Rec^d. read and Concurred.

A petition signed Abel Geer praying for a pardon and Remission of that part of his sentence passed by the Supreme Court at their Session holden at Bennington on the 4th Tuesday of August last, which determines him to Servitude for Life, was rece^d. from the General Assembly and Read. The Petition was originally directed to the General Assembly, and being void of Suitable Expressions of Penitence, ordered that the same be dismissed.

Resolved that a Committee of three be appointed to join a Committee appointed from the General Assembly consisting of the following Gen-

¹ Oct. 14, the Assembly adopted the following rules, one of which seems to relate to elections in joint Assembly, and another to the privileges of the Governor and Council:

1st.—That every member and Spectator be subject to the rules of the House.

2^d.—That the doors of the House be open to all Spectators who behave themselves orderly, except the interest of the State require the same to be shut.

3^dly.—That the officers of the House attend punctually at the times of adjournment on penalty of being reduced to private stations.

4thly.—That no member being absent at roll call take his seat without liberty from the House.

5thly.—Any member who is absent after roll call without leave of the house more than fifteen minutes at one time shall be subject to the like penalty—and if such member continue absent for one day or more shall be liable to be expelled the house.

6thly.—That no member speak in the House without leave of the Speaker of the House.

7thly.—That no member shall speak more than twice on one subject without leave of the House.

8thly.—That no member make any nomination until such nomination be called for by the Speaker—And that the Speaker put every motion to vote which is seconded unless withdrawn or objected to.

9thly.—That no person who is not a member of this House (except the Governor and Council) shall speak in the House without first obtaining leave by [through] a member of the House.

The above rules were reported by Nathaniel Chipman, and are here copied from the manuscript Assembly journal. There are no printed copies of the journals of Oct. 1785 and 1786 in the possession of the State, or known to be elsewhere.

tle men viz^t Mr. Robinson, Mr. Chipman, Mr. Knoulton, Mr. Safford, and Mr. Bayley, on the Memorial of Mr. Elijah Paine, proposing the donation of £2000 L. Money, towards a College or university on Certain Conditions and provisions; one of which is, that said College or university be in the Township of Williams Town; to Take the Same under Consideration & Report there opinion to the General Assembly. Members choosen, His hon. Gov^r Spooner, Mr. Niles and Mr. Robinson.

An act, Entitled an act, discribing the bounds of the County of *Addison*, having passed the General Assembly was Rec^d. Read and Concurred.

On Motion Resolved that Major Elias Buel be allowed the Term of one year after the Township of Coventry be ascertained by Survey for the payment of the Remaining sum due as Granting fees on said Township without Interest.

Adjourned until Tomorrow 9 oClock A. M.

TUESDAY October 18th. 1785.

Met according to Adjournment.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly viz^t Mr. Olin, Mr. Chipman, Mr. Knight, Mr. Marsh & Mr. White, on the Recommendation of the Council of Censors for the Repeal of three Certain Acts, concerning the Surveying of Town lines & cutting new Roads in the Northern part of this State, passed October 22^d 1782, February 26th. 1782, & October 23^d 1783, to Take the same into consideration and make Report to the General Assembly. Members choosen, Mr. Fasset, Mr. Olcott & Mr. Robinson.¹

Resolved that the Trial of Col^o Barret assigned to have been on this day be postponed to Thursday next.

According to yesterday's order the Council Resolved themselves into a Court for the Trial of Impeachments, His honor the Deputy Governor in the Chair. The Trial of Matthew Lyon Esq^r came on, it being on an Impeachment brought against him by the General Assembly for "knowingly wilfully and corruptly refusing to diliver the Records of the late Court of Confiscation to the order of the Council of Censors;" The said Mathew Lyon being called to plead to said impeachment, plead not guilty, & put himself on the Court for Tryal. Evidences were educed for and against the prisoner, and after the Arguments made use of therefrom, & from the Nature of the cause the decision was Submitted to the Court.

Adjourned to 2 oClock P: M:

Met according to Adjournment.

The Court proceeded to consider the cause for judgment, but for want of Time for further deliberation, Adjourned to 8 oClock Tomorrow Morning.

WEDNESDAY 19 October 1785.

Court met according to Adjournment, And resumed the consideration of said cause for judgment, and after deliberation thereon came to the following determination viz^t This Court consider and adjudge that the said Mathew Lyon is guilty of the crime Alledged against him in the Impeachment, Therefore order that he diliver the Records of the late Court of Confiscation to the Honorable the Council of Censors taking their Rec^t. And receive a reprimand from the president of this Court; And on his neglect or refusal immediately to Attend to and Comply with &

¹ The Council of Censors also condemned a fourth act, on cutting roads, passed March 8 1784.

perform the same, that he pay a fine of five hundred pounds L. Money to the Treasurer of this State, and that he also pay cost of prosecution.

Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

The said Matthew Lyon Esq^r appeared in Court when the foregoing Sentence of the Court was read, whereupon the said Matthew Lyon Esq^r moved the Court for a new Trial alledging as the reason for his request, that his cause had not been rightly understood and defended before the Hon^{ble} Court; the Court taking the same into consideration, ordered that the said Mathew Lyon Esq^r be allowed a new Trial agreeable to his request, And that Friday next 10 o'Clock in the Morning be assigned for the said Trial to commence.

Court Adjourned until 10 o'Clock Tomorrow.

Attest THOMAS TOLMAN, *Clerk.*

THURSDAY 20th. October 1785.

Court met according to Adjournment.

His Excellency the Governor in the Chair.

The cause of Impeachment against Justice John Barret for Maladministration in his office of Justice of the Peace was brought on according to a former order of Council, the Council [counsel] on the part of the General Assembly requested that the Trial might be postponed on account of the absence of two witnesses, but Justice Barret by his Council objecting thereto this Court judging the objection to be insufficient, therefore order that the Trial be had at this Time; The said Justice Barret appearing and being called to plead to the impeachment which was read, plead not Guilty. Witnesses were called, & sworn and proceeded to Testify; and after the Testimony of 22 for and against the said Justice Barret. Adjourned until Tomorrow 9 o'Clock in the Morning.

FRIDAY, 21st October 1785.

Met according to Adjournment,

And after hearing further evidence in the aforesaid cause, Adjourned to Monday next 3 o'Clock P: M: for further hearing in said cause.

PROCEEDINGS OF COUNCIL October 19th. 1785.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly to take under consideration, and make some order concerning the Glebe and society lands in this State, being the 4th article in arrangement of the business, and make report. Members choosen Mr Safford and Mr Olcott.

The Governor and Council went to the General Assembly agreeable to order & joined for the purpose of Electing Judges of the Supreme Court & agents to Congress & Surveyor General, & the joint Ballots being Taken for the Supreme Court, the Hon^{ble} Moses Robinson Esq^r was Elected chief Judge, & the Hon^{ble} Paul Spooner, John Fassett Jun^r Thomas Porter, and Nathaniel Niles Esquires Assistant or side judges. The Ballots being taken for Agents to Congress, The Hon^{ble} Moses Robinson, Ira Allen & Stephen R. Bradley, Esq^{rs} was Elected, And the Hon^{ble} Ira Allen Esq^r was Elected Surveyor General.

An Act for dividing the Town of Dorset into Two distinct Parishes, having passed the General Assembly was Rec^d. Read & Concurred.

An act entitled an act directing the sale of the Caannon on Mount Independence, having passed the General Assembly was Rec^d. Read & Concurred.

Resolved that a Committee be appointed to join a Committee appointed by the General Assembly viz^t. M^r. Knoulton, M^r. Wait and M^r. Chamberlain, on the 7th article in the Recommendation of the Council of Censors, to Take the same under consideration & Report their Opinion to the General Assembly. Members choosen his hon^r. Governor Spooner and M^r. Olcott.¹

Resolved that a Committee be appointed to join a Committee from the General Assembly on the petition of Daniel Ashcraft of Guilford praying for a free Pardon of all the offences he hath Committed against the Government of this State, to Take the same under consideration, state facts and Make Report to the General Assembly. Member choosen M^r. Fletcher.

A Memorial from several Towns in the County of Rutland against the present act for Quieting Ancient Settlers, was re^d. from the General Assembly—Read and sent back by M^r. Niles.

Adjourned to 2 oClock P: M:

Met according to Adjournment.

On the Motion of his Hon^r. Governor Spooner for Leave of absence until Tomorrow ordered that the request be Granted.

Resolved that a Committee be appointed to join a Committee appointed by the General Assembly viz^t. M^r. Olin, M^r. Higley, M^r. Knight, M^r. Weld, & M^r. White, "To Take into consideration the Situation of the several different hard money orders and Report their opinion" &c. Members choosen M^r. Moredock & M^r. Niles.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly on the petition of a Number of the Inhabitants of Ferrisburgh, praying for a Tax of 2^d p^r. acre on all the Lands in said Township for the purpose of Cutting Roads & building Bridges in s^d. Township, to take the same into consideration & make Report to the Gen^l. Assembly. Member choosen M^r. Porter.

Adjourned to 9 oClock Tomorrow Morning.

THURSDAY 20th. [October] 1785.

Met according to Adjournment.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly viz^t. [Mr.] Ormsby, M^r. Ward, M^r. Knoulton, M^r. Wait and M^r. White, to take under their consideration the Grant of Land made to Dartmouth College, and Moores Charity School, & report their opinion whether the said Grant can be located sooner than is directed in the act granting the same. Members choosen M^r. Moredock & M^r. Porter.

Resolved that the account Exhibited by Hough & Spooner Printers to this State, for printing for the public from June 21st to September 14th. inclusive 1785 to the am^t. of £33 18 0 be allowed, and that the Treasurer be directed to pay the same out of any one of the hard money Taxes.

A Proclamation was passed, for a day of public thanksgiving; and ordered to be sent to the printers and that they print 200 Copies. The Copy of said Proclamation ordered to Lie on the Files.

¹ The Council of Censors proposed the repeal of so much of the act of Oct. 22 1779 as empowered the Governor, Council, and General Assembly to hear and determine causes in equity.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly viz^t Mr. Olin, Mr. Ward, Mr. Knight, Mr. Wait, and Mr. Blodget, on the Petition of Elijah West, praying for some way to be devised & adopted to Relieve him in the case of a certain Deed of his Estate being given & Rec^d. from Watts Hubbard to Benajah, David, Elisha & Mary West children of the said Elijah, to consider the same, state facts and make Report; Member choosen Mr. Niles.

Resolved that the Council concur with the General Assembly in Granting the prayer of the petition of Asa Robinson of Dudley in the County of Worcester, in the Commonwealth of Massachusetts, administrator on the Estate of Joseph Chamberlin Late of Douglas in said County Deceased, praying Liberty for the Sale of so much of a certain Right of Land in the Township of Townsend in this State the property of said Chamberlin at his Decease, as will pay the sum of £16 8 2 Debts due from said Estate exceeding the personal Estate of said Chamberlin, Together with cost.

An act entitled an act to Enable Asa Robinson Admr. on the Estate of Joseph Chamberlin late of Douglas in the County of Worcester commonwealth of Massachusetts, having passed the General Assembly was Rec^d. Read and Concurred.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly, on the further consideration of the Petition of the Inhabitants of the County of Rutland against the present quieting ancient settlers so called &c. report their opinion to the General Assembly; Members choosen, Mr. Robinson, & His Honour Paul Spooner Esqr.

Resolved that the Council concur with the General Assembly in granting the prayer of the petition of Mary Hide Administratrix on the Estate of Timothy Hyde late of Poultney dece^d. praying for Liberty to sel such part of the real Estate of said deceased as will pay the sum of £22 3 1 L. Money Together with necessary cost, and in ordering that leave be given for a bill to be brought in accordingly.

An act, Entitled An act empowering the Administratrix on the Estate of Timothy Hyde to sell real Estate &c. having passed the General Assembly was Rec^d. Read and Concurred.

Resolved that this Council concur with the General Assembly in accepting the Report of a Committee on the petition of Lucretia Houghton Administratrix on the Estate of Edward Houghton late of Guilford dece^d. praying for the confirmation of a deed from Jonas Newton to the said Edward Houghton, & in ordering that leave be given for a bill to be brought in accordingly.

An act entitled an act confirming a Deed of a Lot of Land given by Jonas Newton to Edward Houghton, having passed the Gen^l. Assembly was Rec^d. Read & Concurred.

Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

A verbal message was rec^d. from the General Assembly by Mr. Safford, r^equesting His Excellency the Governor and Council to join the General Assembly in Grand Court of Chancery. The Governor & Council joined accordingly, the particular cause to be heard being that between the proprietors of Wilmington and Draper.

Council returned and the afternoon was Spent on the Trial of Colonel Barret.

Adjourned until Tomorrow 8 o'Clock.

FRIDAY, October 21st 1785.

Met according to adjournment.

The Governor and Council went to the General Assembly agreeable to order, when they resumed the consideration of the Cause between the Proprietors of Wilmington and Draper.

The Council [counsel] on the part of the Proprietors of Draper moved that the Trial of the Cause be postponed to the next Session of the General Assembly which was considered and overruled that the Trial of the Cause be not postponed, and that the opening of the House of Assembly this afternoon be assigned for the further consideration of this Cause.

Resolved that the Resignation of Mr Tolman as one of the Committee of pay Table be refered to the General Assembly for their acceptance, and that the General Assembly be requested to Take it up as soon as may be.

Afterwards the Council went to the House on the cause of Wilmington & Draper, and on the plea of the Council for the Proprietors of Draper to the Jurisdiction of the Court adjudged that said plea is insufficient to bar the further Trial of said cause.

An act entitled an act empowering His Excellency the Governor and Council to Issue a Charter of Incorporation to the Trustees of Dartmouth College, and the President of Moors charity School for a Grant of 23,000 acres of Land made by the General Assembly to the said Trustees and president. June 14th. 1785, having passed the General Assembly was rec^d. Read and the following amendments proposed viz^t " Provided always that the said Charter be not made out until the Charters are given out of all the former Grants, or all the Lands previously Granted be laid out according to the true intent and Meaning of the Respective Grants thereof."

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly on the petition of *Penuel Deming* of Wilmington praying that an acc^t for sustaining, nursing, &c. a certain David Brownson, to the ammount of £16 6 9 be allowed. Member choosen Mr Emmons.

Resolved that a Committee be appointed to join a Committee appointed from the Gen^l Assembly on the petition of Luke Knoulton Esq^r praying for a Grant of 10,000 acres of Land. Member choosen Mr. Niles.

Resolved, that a Committee be appointed to join a Committee from the General Assembly on the petition of John Hawkins in behalf of the Inhabitants of Bridgewater praying for a Tax of Two pence on the acre of all the Lands in said Township for Building Bridges Cutting roads &c. Member choosen Mr Porter.

Resolved that a Committee be appointed to join a Committee appointed from the Gen^l Assembly on the petition of William Smead praying for the authentication of a Certain Deed not acknowledged by the Grantor (Israel Curtis.) Member choosen Mr Safford.

Resolved that a Committee be appointed to join a Committee appointed from the Gen^l Assembly on the Petition of James Aikin praying for the Grant of the farm he lives on in a Gore between Corinth and Moore Town containing about 300 acres. Member choosen Mr Olcott.

Resolved that a Committee be appoin^d. to join a Committee appointed from the Gen^l Assembly to Take under consideration the proceedings of the Court of Confiscation, the Commissioners of Sales and Sequestration, and the State of the Titles of those who have purchased confiscated Estates, state facts and make report, the Assemblis Committee Mr Shumway, Mr Chipman, Mr Knoulton, Mr Tilden, & Mr Loomis. Members of Council His Honor the Deputy Gov^r & Mr Robinson.

Adjourned to 8 o'clock Tomorrow Morning.

SATURDAY 22^d. October 1785.

Met according to adjournment.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly, on the Petition of Joseph Foster, and Aaron Barlow, Agents for the Town of Barnard, praying for an addition of Lands to be granted and added to said Town. Members choosen M^r Niles & M^r Robinson.

An act, entitled "An act granting a pardon to Daniel Ashcraft" having passed the Gen^l Assembly was Rec^d. Read & Concurred.

An Act entitled an Act enabling the Selectmen of the Town of Cavendish to Levy a Tax of two pence on each acre of Land in said Cavendish (public rights excepted) for the purposes therein Mentioned, having passed the General Assembly was Rec^d. Read & Concurred.

Resolved that the amendments (proposed by the Governor & Council) on the Act Granting Land to Dartmouth College &c., made yesterday, be reconsidered, and in Lieu thereof the words, "Located and unlocated," be added.

Resolved that Monday next 3 o'Clock P. M. be assigned for the further consideration of the cause against Col^o Barret.

An Act, empowering the Administrators of the estate of Jedediah Fay, late of Windsor deceased, to sell part of the real Estate of the said Fay, having passed the General Assembly on petition for that purpose was Rec^d. Read & concurred.

Whereas the Charter of Incorporation of the Township of Royalton was Issued in the Absence of the Surveyor General, & without proper Bounds from him, Therefor—Resolved, that the Surveyor General be directed to resurvey the said Township of Royalton as near agreeable to the original design of the Grant and the present wishes of the Proprietors as may be, and lay the same before this Council in order for a New Charter to be given accordingly. The Survey &c. to be at the Cost of the proprietors.

Adjourned to 2 o'Clock P: M:

Met according to adjournment.

After consideration of sund^y Matters of business Adjourned to 8 o'Clock Monday next.

MONDAY October 24th. 1785.

Met according to Adjournment.

Resolved that the following be the bounds of Cambridge, and that a Charter be made out accordingly in lieu of one that has been before given viz^t "Begining at Underhil northwesterly Corner; Thence North 36 Deg^s. East six Miles, Thence south 54 deg^s. East six miles—Thence south 36 degrees West to the Northeasterly corner of said Underhil, thence Northwesterly in the line of Underhil to the bounds Began at."

Also that the following be the bounds of Fletcher agreeable to which the Charter of said Township may be Issued upon application, viz^t Begining at the southwesterly Corner of Cambridge, which is the southeasterly corner of Fairfax, thence northerly in the easterly line of said Fairfax to the North Easterly Corner thereof, or to the line of Fairfield, thence Easterly in the line of said Fairfield so far that to turn southerly, a parallel Line with the Easterly line of said Fairfax to the line of said Cambridge—Then southerly in the line of Cambridge to the bounds begun at,—will contain the Contents of six miles square & no more.

Also Resolved that the proprietors of Brownington shall have the land Granted to them, bounded south on Sterling, East on Hyde Park,

west on Cambridge, and to extend Nothwarly by extention of the East line of Cambridge & the west line of Hyde Park (if need be) so far as to contain the whole number of acres Granted; And that the said Proprietors have the same Right to the aforesaid Lands as they had to the lands contained in their Grant, and no other or better.

A Bill was Rec^d. from General Assembly and read as follows, viz^t.

IN GENERAL ASSEMBLY October 24th. 1785.

The Proposals of the Council on the bill granting to President Wheelock, &c. being [read] were agreed to, and said bill, with the proposals were read and passed into a Law of this State.

Sign^d. ROSWELL HOPKINS, *Clerk*.

An Act, empowering the Administrators to the Estate of Samuel Skinner late of Jamaica Dec^d. to sell part of the real Estate of the [said] Samuel Skinner to the amount of £35—having passed the General Assembly was rec^d. read and Concurred.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly, viz^t. Mr. Olin, Mr. Ward, & Mr. Shumway, on the petition of Eliza Elliot Executrix to the late will and Testament of her husband Samuel Elliot Jun^r. Late of Boston deceased, praying redress in the case of a Mortgage of an Estate in Brattleborough &c. to take the same into consideration, state facts and make report to the General Assembly; Member choosen Mr. Fletcher.

Resolved that the Prayer of the petition of David Lamb of Halifax praying for the remittance of a Certain fine laid on him, on a Judgment of the Supreme Court of this State held in the County of Windham for his Treasonable conduct against the authority of this State, be granted, and that the said fine be and hereby is remitted to the said Daniel Lamb.

A draught of an act for the purpose of Laying a Land Tax on the Towns herein after mentioned was brought in by Col^o. Allen and Read; the same being approved by the Council, it was ordered to be Laid before the General Assembly for their Consideration.

Adjourned to 2 oClock P: M:

Met according to Adjournment.

Resolved that Mr. William Bigelow of Guilford be and he is hereby appointed a Justice of the Peace within and for the County of Windham for the time being; and all persons concerned will Take due Notice hereof and Govern themselves accordingly. (Sworn.)

An Act, establishing a Certain agreement, made between the proprietors of the Town of Addison & Panton, in the County of Rutland, having passed the General Assembly, was rec^d. read & Concurred.

Resolved that three proprietors be added to the Township of Cambridge, and that they pay each in hard money orders £10, and that the following be the names to be entered in the Charter of said Township now making out viz^t. Thomas Porter, Thomas Murdock, and Fredrich Hopkins, that the fees of three 3 Rights amounting to £30, be paid to His Excellency the Governor, and he be requested to Receive and account for the Same in behalf of the late Committee for receiving Granting fees.

Resolved that Mr. Brownson be a Committee in lieu of Mr. Olcott on the Petition of [James] Aikin.

Mr. Robinson and Col^o. Allen were requested to wait on the General Assembly, and give the reasons of this Council against Concurring with the General Assembly in An Act concerning Guildhall Corner, and a Recommendation for Issuing a Charter to Captain Taylor immediately.

The Council being resolved into a Court for the final hearing and determining the cause of Impeachment against Justice Barret, having

before heard evidence, the Council now Attend to the pleas and arguments deduced for and against the said Barret and [on] mature deliberation in the cause, it is considered and adjudged that the said John Barret Esquire is guilty of Mal-Administration in his office of Justice of the Peace; & it is thereupon ordered that he the said John Barret Esq^r be suspended from the exercise of his said office of justice of the peace within & for the County of Windham, until the expiration of six months from 11th day of June last, and that he pay cost of prosecution.

Adjourned to 8 o'Clock Tomorrow.

TUESDAY 25th. October 1785.

Met according to Adjournment.

On Motion of Mr Fassett, Resolved that this Council will proceed at this time to the Election of County officers for the New County of Addison for the time being, & afterwards on Motion ordered that said appointment be postponed for the present.

The draft of an Act Entitled an Act, to render more effectual several acts passed by the General Assembly of this State to enable the Towns, or persons in said Acts respectively named, to Levy and collect certain specified Taxes on each acre of Land mentioned and described in said Acts, was brought in by Mr Niles & read, and the same being approved was ordered to be sent to the General Assembly for their consideration in order that the same be passed into a Law of this State.

An Act enabling a Committee to Levy a Tax of one penny on Each acre of Land in the Town of Woodford in the County of Bennington, (public rights excepted,) for the purposes therein mentioned having passed the General Assembly was rec^d. read and approved.

The following recommendation was sent to the Assembly, viz. This Council taking into Consideration the Situation of the people inhabitants of a Gore of Land between More Town & Corinth, do recommend to the General Assembly to Grant said Gore to a Committee under proper Regulations & Restrictions, that such Committee dispose of such Lands to the Inhabitants & others and be accountable for the avails.

An act enabling the Selectmen of the town of Stamford to Levy a Tax of one penny on each acre of Land in s^d town (public Rights excepted) for the purpose therein mentioned, having passed the General Assembly was Rec^d. Read & Concurred.

An act for the purpose of Levying a Tax of two pence on the acre on all the lands in the Town of Addison in the County of Addison, having passed the General Assembly was rec^d. read and Concurred.

An act annexing the North part of Ira to Castleton, having passed the General Assembly was rec^d. & read the 19th. Instant, and being now taken into consideration by this Council, it is proposed to the General Assembly, that it be not passed into a Law until a settlement be made concerning the Granting fees of said Town or district of Ira.

Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

Resolved that Colonel Ira Allen be directed to accept the sum of £5 in public Securities of this State from His Excellency the Governor, & thereupon discharge Nathan Woodbury that sum on the Granting fees due from him, for his Right of Land in a Gore lying between Tunbridge and Royalton, and this Together with the said sum in States notes shall be accepted from the said Colonel Ira Allen in a Settlement for the Fees of said Gore, The cause of this having been that of a Mistake of that sum made against the said Woodbury, & in favour of His Excellency in the Case of the Granting fees of Brookfield.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly viz^t M^r Wait, M^r Marsh, M^r Loomis & M^r Knulton, to take under Consideration the Act passed last June commonly called the quieting, prepare a bill thereon, and make report. Members choosen His Honor the Deputy Governor and M^r Brownson.

The Council proceeded to the Election of County officers for the County of Addison, and the following persons were Nominated and appointed for the Time being, viz^t

Judges of the County Court—John Strong, Esq^r. *Chief Judge*; Ira Allen, Gamaliel Painter, William Brush, & Amos Fassett, Esq^{rs}. *Side Judges*; Hon^{ble} John Strong, Esq^r. *J. Probate*; Noah Chittenden, Esq^r. *Sheriff*.

Justices of the Peace—John Strong, Hiland Hall, Gamaliel Painter, Ira Allen, William Brush, Ebenezer Allen, Alexander Gordon, Amos Fassett, Zadock Averist, [Everest,] Benjamin Risley, Caleb Smith, and Stephen Lawrence Esq^{rs}.¹

An act in addition to an act Intitled an act for Levying a Tax on all the lands in Fairlee, for the purpose of repairing roads and making Bridges, having passed the General Assembly was rec^d. Read & approved.

Resolved that a Committee be appointed to join a Committee appointed from the General Assembly, on the recommendation of the Council of Censors, for the repeal of two Certain Acts passed last June, in favour of Daniel Marsh [and Andrew Graham,] quieting them in the possession of Certain Farms, to take the same under consideration and report their opinion.—Members choosen M^r Fletcher & M^r Porter.²

Resolved that the General Assembly be requested to join the Governor and Council in a Committee of Both Houses, as soon as Convenient to the Assembly, for the consideration of the bill proposed to be passed into an Act, to oblige Silas Hammilton, Amos Pebody and Eliphalet Hyde to render an account for the Lands by them sold in pursuence of a Resolution of Assembly made the 25th of February, 1779.

An act to authorize the Inhabitents of Pomfret to raise a Tax for the purpose of building an House for public worship in said Town, having passed the General Assembly was Rec^d. Read and approved.

Adjourned to 9 o'Clock Tomorrow.³

¹The bounds of Addison county, then extending to the northern boundary of the state, with the towns of Addison and Colchester as half shires, were established at this session. The second section of the act authorized the Governor and Council to appoint and commission the officers of the county for the time then being.

²The first Council of Censors condemned these and many other acts of the General Assembly, and recommended a repeal or amendment.—See Slade's *State Papers*, pp. 510–544, for proceedings and address of this Council.

³From the *Assembly Journal*, Oct. 25 1785:

Resolved that his Excellency the Governor of this State be and is hereby allowed £150 lawful money for his salary for the year ensuing and the Treasurer of this State is hereby directed to pay the same out of the hard money taxes.

WEDNESDAY 26 October, 1785.

Met according to Adjournment.

Resolved that Mr Safford be appointed a Committee in lieu of Mr Niles on Mr [Elijah] Wests petition.

The following Bill from the Gen^l Assembly was Rec^d. viz^tIN GENERAL ASSEMBLY OCT^{OR} 26, 1785.

The Bill originated in Council entitled an Act to Render more effectual several acts passed by the General Assembly of this State, to Enable the towns, or persons named in said acts respectively to Levy and collect certain Specified Taxes on each acre of Lands mentioned And described in said acts was read and passed into a Law of this State without any amendments.

Signe^d.Ros^l. HOPKINS, *Clerk*.

Resolved that this Council will join the General Assembly in a Committee of the whole at the opening of the House this afternoon for the further consideration of a bill proposed to be passed into an Act, to repeal an Act, entitled an Act, to vacate all the proceedings of the Legislature of this State, respecting the boundaries of Guildhal in Orange County.

The draft of a bill to be passed into a Law Entitled "an Act for the purpose of laying a Land Tax on the Town of N. Haven" was brought in, read and approved, whereupon ordered that the same be sent to the General Assembly for their consideration in order that the Same be Enacted into a Law of this State.

Resolved that it is the Sense of the Council that unless the House of Assembly shall Recede from their last determination in the cause between Wilmington and Draper, the Governor, Council & General Assembly in Capacity of a Court of Equity, can take no further Cognizance of said cause, as the Council are of opinion, that the House of Assembly have the same Right now to Dismiss the said Cause, as they had at first to determine they had a Right to Take Cognizance of the Same.

Resolved that an Act for Levying a Tax of 2^d. p^r. acre on Ferrisburg, be concurred with the addition of a paragraph drawn by Col^o. Allen.

An act for the purpose of Levying a Tax of three pence on the pound, having passed the General Assembly was rec^d. Read and Concurred.

An act for the purpose of Levying a Tax of one penny p^r. acre on all the lands in the Town of Hartland in the County of Windsor, having passed the General Assembly was Rec^d. read and Concurred.

An act enabling the Selectmen of the Town of Bridgewater to Levy a Tax of one penny half penny upon each acre of Land in said Town (public Rights Excepted,) for the purpose therein mentioned, having passed the General Assembly was Rec^d. Read & approved.

Resolved that a Committee be appointed to tax the bills of Cost in the Cases of Colonel Lyon & Justice Barret's Impeachments. Members choosen Mr Fletcher & Mr Porter.

A petition from Abraham Avery was read praying certain cost laid on him by the Supreme Court to be remitted. Ordered that the said petition be dismissed.

The following Bill was rec^d. from the General Assembly viz^t [A resolution of Oct. 24, recommending that the Governor and Council issue a charter for about two thirds of a township of land between what was then Lunenburg and Concord to John Wheeler & Co.; which was reconsidered on the 27th. A space was left in the Council Journal for the insertion of the proper record, and was never filled.] Whereupon Resolved that His Excellency the Governor be requested to Issue a Charter accordingly.

An act entitled an Act to repeal a Certain Clause in an Act entitled an Act for Regulating fees, passed at Westminster October 17th. 1783,

having passed the General Assembly was rec^d. Read, and the following words proposed to be added viz^t “on the most direct Road from the place of the residence of such Plaintiff or defendant to such Court.”

A draught of An Act directing what money shall be legal Currency in this State, and at what rate the same shall pass, was Sent to the General Assembly for their consideration.

Agreeable to the order of this day the Governor and Council went to the General Assembly in order to join in a Committee of the whole upon the Act respecting the boundaries of Guildhal. The Governor & Council proposed to the General Assembly that the said Act be laid over to a future Session, which passed in the Negative. The Governor and Council then proposed to join in a Committee of the whole on said bill, and the question being put wheather the Assembly would join ; the same passed in the Negative.

Resolved that the Debenter of Council for this Session be allowed out of some of the hard money Taxes, which is £86 8 8 and that the Secretary Sign the Same.

An act forming a religious Society in Paulet having passed the General Assembly, was rec^d. read & concurred.

Resolved that the Treasurer be directed to pay unto Israel Smith Esqr the sum of two pounds Twelve shillings & 4^d. L. Money out of some of the Hard Money Taxes, it being the Bill of Cost on the Trial of Colonel Matthew Lyon on Impeachment.

The said bill of Cost is as follows, viz^t

The Impeachment	£0 15 0	} This bill was examined and Taxed by the Hon ^{ble} Samuel Fletcher and Thomas Porter Esq ^{rs} . by order of Council.
two Attorney fees 15s	1 10 0	
one supæna	0 0 4	
service	0 2 6	
one Travel six Miles	0 1 6	
Attendance 1 day	0 3 0	
	£2 12 4	

Attest, THOMAS TOLMAN Sec^y.

True Copy Exam^d. JOSEPH FAY Sec^y.

Adjourned to 8 oClock Tomorrow.

THURSDAY 27th. October 1785.

Met according to Adjournment.

Resolved that the Draft of a bill brought in by M^r Robinson in addition to an Act regulating proprietors Meetings be approved, & that the same be laid before the General Assembly for their consideration, in order that the same be Enacted into a Law.

An Act, directing the choice of Supervisors in the County of Windham, & declaring their Power and duty, having passed the General Assembly was rec^d. read and Concurred.¹

An Act in addition to an Act entitled An Act for appointing & Supporting Schools, having passed the General Assembly was rec^d. read and Concurred.

¹ This act required each town in Windham county to elect a supervisor, and the board so constituted was empowered to fix upon a shire or shires for the county. Newfane was selected to be the one shire town forever, and this action was confirmed by the General Assembly.

Resolved that the account of Cap^t Parmerly for Liquors furnished the Companies of Horse and Foot on Election day being the Sum of £4 6 0, be Allowed and that the Treasurer be directed to pay the same out of some of the Hard money Taxes to the said Captain Parmerlee.

The Draft of the bill lessening the weight of the coined Copper in favour of Reuben Harmon Esq^r was read & Sent to the General Assembly for their Consideration.

The petition of Eleazer Sternes was read praying for Pardon and Remittance of his punishment for being Aiding in counterfeiting Dollars.

An Act to vacate the Record of a Deed on the Book of Records in the Town Clerks office in the Town of Windsor, having passed the General Assembly was rec^d. Read and Concurred.

An act against taking or Destroying white pine Timber, or any other valuable Timber, having passed the General Assembly was rec^d. read and Concurred.

Two Acts formerly specified as originating in this Council concerning Coins & Currency, having passed the General Assembly was rec^d. read and approved.

An Act to Continue in force the Laws of this State having passed the House was rec^d. Read and Concurred.

A petition Signed Eleazer Sternes a prisoner in Bennington Goal dated the 13th Instant was rec^d. and read praying for a Pardon & remittance of the Sentence of the Supreme Court holden at Bennington on the first Tuesday of October Instant against him for having aided and assisted in forging and Counterfeiting Spanish Milled Dollars, under which Sentence he now lies in confinement. And the said petition having been considered and deliberated by this Council,

Resolved that the prayer thereof be granted and that the said Eleazer Sternes be pardoned; and the Sheriff of the County of Bennington is directed to Liberate said Eleazer upon his paying all Cost that has arisen from his Trials and Confinement.

An act for the purpose of Levying a Land Tax on the Towns herein after named, viz^t Colchester, Burlington, Williston, Essex, Jerico, Shelburn, Georgia, Swanton, and Highgate, having passed the General Assembly was Rec^d. Read & Concurred.

An act for the purpose of Levying a Land Tax on the Town of N. Haven, having passed the General Assembly, was rec^d. Read & approved.

An act in addition to an act regulating Proprietors Meetings, having first originated in Council, and passed in the General Assembly, was rec^d. Read & approved.

A draft of a bill for an act, in addition to, and alteration of an Act entitled An act regulating Civil Actions, having been read and approved, ordered that the same be laid before the General Assembly for their consideration in order that it be enacted into a Law.

Whereas the Charter of Royalton was Issued in the Absence of the Surveyor General, and it appears on a Correct Survey not to Comport with the Instructions of Council, and the wishes of the people, therefore, Resolved, that Joel Marsh Esq^r be and he is hereby requested to preambulate [perambulate] the lines of Royalton that were formerly run & to Regulate the line between Royalton & Bethel, as near as may [be] to the wishes of the proprietors of both Towns & make a return of such Survey with the Difference there may be between that & the lines run under the direction of the Surveyor General to the Secretary of Council the expense to be paid by those applying therefor.

An act granting to Gideon Cows of Farmington in the County of Hartford and State of Connecticut &c. was rec^d. read & concurred.¹

An act in addition to An act entitled an act regulating Sheriffs in their office & Duty having passed the Gen^l Assembly was rec^d. read and Concurred, with the addition that when the Sheriffs are directed to carry Journals & acts, they be also directed to Carry Treasurers Warrants to collectors of State Taxes on penalty, &c. as in s^d. act is directed.

The act commonly called the quieting act was concurred with 3 small amendments.

An act for authenticating a certain Deed therein mentioned having passed the General Assembly was rec^d. Read & Concurred.

Resolved that the land that shall be found on the Survey this day allowed to be made in the Town of Royalton, not yet paid for by the proprietors, be paid for at the same price p^r acre that was given for the Township Together with the Intrest thereof from the time of the other payment, in Hard money orders of this State.

A Bill was Rec^d. from the General Assembly as follows viz^t.

IN GENERAL ASSEMBLY, October 27th. 1785.

Resolved that there be and hereby is Granted unto Henry Moore & Colonel John Taplin (as a Committee of trust) a Gore of Land bounding between Corinth and Mooretown [Bradford,] and that the Gov^r & Council are hereby requested to Issue a Charter of Incorporation under such regulations, reservations and restrictions & for such fees as may be thot proper.

Extract from the Journal.

Sign^d. ROS^{LL}. HOPKINS, Clerk.

Copy Exam^d. JOSEPH FAY, Sec^y.

The bill of Cost in the Cause of Col^o. Barrets impeachment on the Trial being Committed to M^r. Niles and M^r. Fletcher to examine & Tax, [is] as follows to the amount of £11 19 0 viz^t. [A blank left for items on the record is not filled.]

An act was rec^d. for Annulling the Surveys of the Surveyor General, & directing a discontinuation of such Surveys, whereupon the following Resolution was passed in Council, viz^t. that the Council Earnestly Recommend that the said act be laid over to the next Session of this Assembly.

The Governor & Council went to the General Assembly and joined in a Committee of the whole upon the request of the Assembly, on the foregoing Bill, and after debate thereon, and the question being put wheather the consideration of the same be postponed and refered to a future Session, it passed in the affirmative.

Adjourned to 7 oClock Tomorrow.²

¹ This act permitted Cowles to appear and answer to Samuel Messer of Windsor in a new trial, the latter having obtained judgment by default of the defendant.

² This bill from the Assembly was a severe blow aimed at the Surveyor General, Ira Allen. As early as Sept. 18 1783, a communication appeared in the *Vermont Gazette*, which assailed Allen for the numerous offices he then held—State Treasurer, Councillor, Agent to Congress, &c., and Surveyor General might have been added,—his assailant arguing that this was in violation of the constitution and otherwise improper. The views of this writer were so popular that at the two next elections, 1784 and 1785, Allen failed as a candidate for Treasurer before the people and was elected by the joint Assembly. At the election in 1785 he

FRIDAY October 28th. 1785.¹

Met according to Adjournment.

Resolved that Ira Allen Esq^r be and he is hereby appointed Secretary P Tempore.

Resolved that Thomas Porter of Vershire be and he is hereby appointed a Justice of the Peace within and for the County of Orange for the time being, & the Clerk of the County Court in & for the County of Orange is directed to Enter his name in the Commission of the Peace in said County accordingly.

Resolved that the Treasurer be directed to pay Daniel Taylor Esq^r eight Pound six shillings & five pence by orders on the hard Money Taxes, the same being over paid for Granting fees, for the Gore Granted to John Wheeler and Company on account of said Grant being Moved up the River.

Resolved that the Treasurer be & he is hereby directed to pay His Excellency Thomas Chittenden Esq^r fifty pounds out of the Hard Money Taxes in part of his Salary due to him.

Whereas the General Assembly of this State did on the 23^d of Feby^r 1782 Grant to Jonathan [John] Wheeler & Company a Gore of Land about two thirds of a Township six miles square bounding north on Luninburgh & south on Concord as by said Grant may more fully appear, and Whereas by reason of the Bounds of Luninburgh being yet unsettled it is inexpedient to Issue a Charter of Incorporation agreeable to said Grant, and the proprietors of said Grant having instead thereof prayed a Charter for the Gore herein after mentioned viz^t Beginning, &c. [A blank left on the record for boundaries was not filled.]

It is therefore resolved that a Charter issue to said Wheeler and associates for the Gore last mentioned, they having paid the Granting fees for the same at £8 0 0 p^r Right for 42 Rights, & if after the bounds of Lunenburgh be ascertained the said Grantees shall Surrender their Charter, and request another, agreeable to their former Grant, they are to have it on paying 20^s p^r Right, in addition to the money already paid for Rights of the Same Contents in quantity.

A Bill from the House:

IN GENERAL ASSEMBLY October 27 1785.

Resolved that there be and hereby is granted unto Henry Moore and Colonel John Taplin as a Committee of Trust, a Gore of Land bounding between Corinth & More Town [Bradford,] & that the Governor &

was also omitted from the Council. The Assembly, on the last day of the session of 1785, proposed the above bill, and a majority persisted in it until they were overruled in Grand Committee. Remarkable facts in the case are, that less than half of the members from western Vermont were present at the time, while three fourths of the eastern members voted. The ayes on the proposition of the Council to postpone were 20—ten western, and ten eastern votes, among the latter being Allen's old associates, Stephen R. Bradley and Luke Knoulton; while the nays were 23, and all eastern members but one. This result being ascertained, the Governor and Council asked for a "Grand Committee" of the two Houses, which determined to postpone.—See *ms. Assembly Journal*, Vol. 3, p. 543.

¹ The Assembly adjourned on the 27th, the Council remaining for executive business.

Council are hereby requested to Issue a Charter of Incorporation, under such regulations, reservations, and restrictions & fees, as may be thot proper.

Extract from the Journal.

Sign^d.

ROSWELL HOPKINS, *Clerk*.

Whereas the Legislature did on the 27th. inst^t Grant a Gore of Land east of Corinth to Henry Moore & Colonel John Taplin as a Committee of Trust, And Whereas there are a Good Number of Families Settled on said Land; that the Good intentions of the Legislature may not be violated, in Regard to quieting the Inhabitants settled on said Lands, and that the State be benifited by a reasonable acknowledgment for the Fee of Land,

Resolved that his Honor Nathaniel Niles Esq^r. Major John Barron, & Benjamin Bawldwin Esq^r. be and they are hereby appointed a Committee of Inspection, and that the Charter of said Land be made out & Lodged with said Committee of Inspection, that they give a bond of £1,000 to fulfil the following Instructions viz^t

(INSTRUCTIONS.)

That said Land on an average be not less than one shilling on each acre—That the Settlers on said Land be confirmed in the lands they have purchased under the New York Claim by deed from the Committee of Trust—that the other Inhabitants have their Claims adjusted by the Committee of Inspection & have deeds so as to include their improvements and a reasonable Tract of Wood Land contiguous to their Improvements—that the remaining part of said Land be deeded to such persons as the Committee of Inspection may direct. That all persons paying money for said Lands pay the Same to the Committee of Inspection, & that they pay the Same to the Treasurer. That the Treasurer be & is hereby directed to appropriate so much of the money as to Take up a note for money Borrowed in Philadelphia by the Agents of this State when attending on Congress, being about forty pounds. That the remaining part of said money be delivered to the Surveyor General for the express purpose of purchasing Stores to carry into effect the Survey of Town lines agreeable to Law. That the Money be paid to the Treasurer on the first day of February next.

Adjourned without day.

THE END OF OCTOBER SESSION 1785.

Records Exam^d.

THOMAS TOLMAN, *Sec^y*.

JOSEPH FAY, *Sec^y*.

ARLINGTON 27 January 1786.

The Commissions of Addison County Issued & dated October 25th 1785 viz^t Justices & Sheriff. The order of the Justices in the Commission are as follows:

Ira Allen, John Strong, Stephen Lawrence, Ebenezer Allen, Alexander Gorden, William Brush, Gamaliel Painter, Hiland Hall, Amos Fassett, Caleb Smith, Benjamin Risley, and Zadock Avrist [Everest]

Noah Chittenden Sheriff.

ARLINGTON January 27th 1786.

Noah Chittenden Esq^r. Sheriff of Addison County as principle, and His Excellency Thomas Chittenden Esq^r. & M^r. Joseph Dagget sureties, appeared & acknowledged themselves jointly recognized to the Treasurer of this State in the penal sum of Two thousand pounds L.

money, for the payment of which sum they acknowledge themselves firmly held & obliged. Conditioned in the following manner, That if the above bounden Noah Chittenden shall faithfully execute and perform the duty of a Sheriff in and for the County of Addison as aforesaid so that no damage be sustained to the public or any Individual on acct of his unfaithfulness in his said office while he may remain in said office by virtue of his present appointment, then this Obligation to be void, otherwise to remain in full force and virtue.

Attest, THOMAS TOLMAN, Sec^y.

The said Sheriff sworn by His Excellency the Governor and Certificate Given by Thomas Tolman Sec^y.

Record Examined. JOSEPH FAY, Sec^y.

Sundry orders drawn on the Treasurer in favour of His Excellency Governor Chittenden at different Times from the 28th November 1785 to October 10th 1786 to the amount of £50, on the hard money Taxes agreeable to a Resolution of Council in October last.

The last entry was not made, of course, until subsequent to Oct. 10 1786. It was probably misplaced in copying the original minutes into the records.

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION AT WINDSOR, MARCH 25-29, 1786.

At a Meeting of the Governor and Council by special appointment Held at Windsor March 25th 1786.

Present His Excellency Thomas Chittenden Esq^r Gov^r. His Honor Paul Spooner Esq^r L. Gov^r. & the Hon^{ble} Peter Olcott Benjamin Emmons Thomas Murdock John Throop Thomas Porter and Samuel Mattocks Esq^{rs}. Members of Council.

The Sec^y not being present, Amos Throop was appointed Sec^y. P. Tem.—and sworn according to Law.

Resolved that Thomas Porter and Samuel Mattocks Esq^{rs} be appointed a Committee to Examine the accounts of James Whitelaw & Col^o Benjamin Wait Exhibitted by the Surveyor General.¹

¹ The name of Gen. JAMES WHITELOW, of Ryegate, for many years Surveyor General, appears erroneously in the records of both houses, sometimes as "*Whillow*." and at others as "*Whitlaw*." Other erroneous names appear in the records of the Council, to wit: "Andrews" for Andrus, "Averist" for Everest, "Bailey" for Bayley, "Levingsworth" for Leavenworth, "Mattucks" for Mattocks, "Mervin" for Marvin, "Moredock" for Murdock, and "Payne" for Hon. Elijah Paine of Williams-

Resolved that Peter Olcott and Thomas Murdock Esquires be appointed a Committee to Examine the accounts of Samuel Moore Exhibited by the Surveyor General.

Resolved that Paul Spooner Esq^r. Benjamin Emmons, & John Throop Esq^r. be appointed a Committee to Examine sund^r. accounts Exhibited by the Surveyor General.

Adjourned to 2 °Clock P. M.

Met according to Adjournment And Adjourned to 8 °Clock Monday next.

MONDAY, March 27th. 1786.

Met according to Adjournment, and Adjourned to 2 °Clock P. M.

Met according to Adjournment and Adjourned to 8 °Clock Tomorrow Morning.

TUESDAY, March 28th. 1786.

Met according to Adjournment, and Adjourned to 2 °Clock P: M.

Met according to Adjournment.

Resolved that Mr Amos Brownson of Willyston be and he is hereby appointed a Justice of the Peace within & for the County of Addison, and the County Clerk in & for said County is directed to Enter his name in the Commission of the Peace for said County for that purpose.

Resolved that Jonathan Bell Esq^r. be and he is hereby appointed Sheriff in and for the County of Rutland for the time being.

Resolved that the Treasurer be & he is hereby directed to pay to John Knickerbakor [Knickerbacor,] Esq^r. the sum of £96 out of the hard money Taxes for his services in assisting the Treasurer as a Clerk from the second day of October 1784 to the second day of October 1785.

Having Liquidated the accounts Exhibited by the Surveyor General for runing Town lines, Cutting roads, &c. Resolved that the following sums annexed to each respective Town be assessed equally on the Several proprietors for defraying said Expenses, viz^t.

Norwich £24 7 9, Sharon 24 7 9, Thetford 24 7 9, Strafford 24 7 9, Fairlee 27 7 9, Moore Town [Bradford] 30 7 9, Corinth 50 2 9, Newbury 27 7 9, Topsham 27 7 9, Tunbridge 24 7 9, Royaltown 24 7 9, Bethel 24 7 9, Rochester 24 7 9, Randolph 24 7 9, Brantree 24 7 9, Roxbury 24 7 9, Vershire 27 7 9, Washington 58 11 9, Williams Town 26 7 9, Orange 42 7 9, Brookfield 24 7 9, Turnersburg^h [Chelsea] 24 7 9—[Total] £634 9 6.

Adjourned to 8 °Clock Tomorrow.

WEDNESDAY 29 March 1786.

Met according to Adjournment.

Whereas by a Resolution of the General Assembly passed October 27th. 1785, Mr Henry Moore and Colonel John Taplin were appointed a Committee of Trust in the Grant of a Gore of Land bounded between Corinth and Moore Town, [Bradford,] under such regulations, restrictions, & fees as may be thot proper, which regulations not being complied with as directed by the Governor & Council; Therefore this Council Take the forfeiture, whereupon, Resolved that the Honorable Na-

town. The last is the most important to be given correctly, as otherwise it might be confounded with Hon. Elisha Payne of Lebanon, N. H., who figured largely in the preceding volumes. The editor will endeavor to give the correct readings of these names, and omit the erroneous.

thaniel Niles, Major John Barron, & Benjamin Bawldwin Esq^r be and they are hereby appointed a Committee of Trust, & that on their returning a Charter of said Land given to said Moore & Taplin & Lodged with said Niles, Barron and Bawldwin as a Committee of Inspection, and giving a Bond to the Treasurer conditioned for £1,000 to fulfil the Instructions hereafter annexed, that they receive a Charter of said Gore in due form.

INSTRUCTIONS.

That said lands on an average be not less than one shilling & Six pence on each acre, that the Settlers on said Lands be confirmed in the Lands they have purchased by deeds from said Committee, and that the Inhabitants of said Gore be confirmed in their possessions, with a proper quantity of wood Lands contiguous to their Improv^{ts}. & in case of any disputes arising between any of said Inhabitants respecting said possessions, &c. on said Lands, that the Same be adjusted in equity by said Committee, and deeds given accordingly. And that the remaining part of said Lands be sold to such persons, as said Committee may think proper that will pay for the Same.—That the Committee pay for said Lands at the rate aforesaid in neat Cattle at Cash price at the Dwelling House of Major John Barron in More Town, [Bradford,] on or before the Tenth day of June Next.—That Colonel Ira Allen receive the Same & appropriate so much of said payment as to raise Money to discharge a Debt for Money Borrowed in Philadelphia by the Agents of this State when Attending on Congress, being about Forty Pounds, and that the remainder be appropriated to Carry into effect the Survey of Town lines, And that said Allen be accountable for what he may Receive as aforesaid.

Resolved that Wednesday the 26th. Day of April Next be recommended to be observed Throughout this State as a Day of public Fasting & prayer, to Almighty God: And that His Excellency the Governor be advised and requested to Issue his Proclamation for that purpose.

Resolved that the Debenter of Council for this present Session be allowed & paid out of some of the Hard money Taxes, to the Am^t of £22 8 0 and that the Secretary Sign the same.

Resolved that the Treasurer be & he is hereby directed to pay Mr. Elijah West of Windsor for the use of his Room firewood &c. for the use of Council this Session, the Sum of one pound out of some of the hard Money Taxes.

Adjourned without Day.

Jonathan Bell Esq^r Principle, and Nathaniel Niles Esq^r & Col^o. John Spafford Sureties, appearing acknowledged themselves jointly & Severally recognized and firmly bound & oblidge to the Treasurer of this State in the Sum of Two thousand pounds L. Money, & that for the faithful payment of the same sum they and their Heirs are jointly, severally, & respectively firmly bound, Conditioned in the following manner, viz^t That if the above bounden Jonathan Bell shall faithfully execute & discharge the Duty of a Sherill within and for the County of Rutland, so that no Damages be sustained to the public or any Individual on acc^t of his unfaithfulness in his said office while he may remain in said office by virtue of his present appointment, then this obligation to be void; otherwise to remain in full force and virtue.

Attest, THOMAS TOLMAN, Sec^y.

Record Exam^d. & compar^d.

JOSEPH FAY, Sec^y.

THE TENTH COUNCIL.

OCTOBER 1786 TO OCTOBER 1787.

THOMAS CHITTENDEN, Williston, *Governor*.

JOSEPH MARSH, Hartford, *Lieutenant Governor*.¹

Councillors :

TIMOTHY BROWNSON, Sunderland,	THOMAS MURDOCK, Norwich,
PETER OLCOTT, Norwich,	SAMUEL SAFFORD, Bennington,
JACOB BAYLEY, Newbury,	JOHN STRONG, Addison,
JOHN FASSETT, Jr., Cambridge, ²	JONATHAN HUNT, Vernon,
SAMUEL FLETCHER, Townshend,	EBEN'R WALBRIDGE, Bennington,
THOMAS PORTER, Tinnmouth,	ISAAC TICHENOR, Bennington, ³

JOSEPH FAY, Bennington, *Secretary*.

ISAAC TICHENOR, *Secretary pro tempore*.

BIOGRAPHICAL NOTICES.

JONATHAN HUNT first appears in Vermont history as witness to a deed made at Northfield, Mass., Aug. 13 1687, by sundry Indians, which conveyed an area of land six miles by twelve, then within the limits of Massachusetts, but which covered the present towns of Hinsdale, N. H., and Vernon, Vt. This may have been the grand-father of the Councillor, who was born in 1738, and assisted in the first clearing of land in Guilford in 1758. In Nov. 1775, Major Jonathan Hunt was recom-

¹ Oct. 13 1786, there having been no election by the people, Paul Spooner was elected in joint assembly; but he declined the office, and on the 14th Joseph Marsh was elected, but did not enter upon the office until Feb. 1787.

² Councillor Mattocks resigned Oct. 14, having been elected State State Treasurer, and, Oct. 21, Hon. John Fassett jr. was elected Councillor, in his place.

³ Benjamin Emmons was elected by the Council, Oct. 14, in place of Nathaniel Niles resigned; but he declined, and, Oct. 21, Hon. Isaac Tichenor was elected.

mended to New York as second colonel of the lower regiment¹ in Cumberland [Windham] county, which office he declined. May 1777 he was clerk of the town of Hinsdale, [Vernon,] and chosen a delegate for that town.¹ May 2 1780 he was appointed by the Yorkers a special messenger to Gov. Clinton, who sent him to Congress, and on the 23d Hunt subscribed an affidavit to the fact that Vermont was about to enforce its authority over the people of the New Hampshire Grants.² In October of the same year he was one of several leading Yorkers who instituted measures for forming a new State comprising the territory lying between the Mason line in New Hampshire and the ridge of the Green Mountains. This resulted in the union of the eastern³ and western districts with Vermont, which seems to have been satisfactory to Mr. Hunt, as, June 15, 1781, he accepted from Vermont the office of sheriff of Windham county. In 1783, he represented Vernon in the General Assembly; was elected Councillor from 1786³ to 1794 inclusive, nine years, but Oct. 10 1794 he was elected Lieut. Gov. in joint assembly. He "prayed to be excused the acceptance of his appointment," but on the 11th was prevailed upon to accept. In 1795 he was elected to the same office by the people. He was a member of the Vermont Convention of 1791 which adopted the U. S. Constitution. He died June 1 1823, aged 85 years. Hon. JONATHAN HUNT of Brattleborough, M. C. from Vermont, 1827-1832, was his son.—*Eastern Vermont*; *Deming's Catalogue*; and *Thompson's Vermont*. It is stated in Thompson's first and last editions that Jonathan Hunt was the first representative⁴ of Vernon in the Vermont Assembly; the fact however is, that Gen. Arad Hunt was the first, he having taken his seat April 5 1781, on the ratification of the union with the eastern district.—See ms. *Assembly Journal*, Vol. 1, p. 371.

EBENEZER WALBRIDGE was born in Norwich, Conn., Jan. 1, 1738,⁴ and came to Bennington, Vt., about 1765. In 1776 he served in Canada as lieutenant in Warner's Green Mountain regiment, being adjutant of the regiment; in 1777 he was adjutant in the battle of Bennington; in 1778 was made lieutenant colonel of Vermont militia; in 1780 colonel, and was at Castleton and vicinity with his regiment in Oct. 1781, on the threatened invasion by St. Leger, when he with other principal

¹ Vol. I, pp. 368, 369.

² Mr. Hunt held land under New York grants, and of course he adhered to New York so long as he deemed it expedient. On the division of the \$30,000 paid by Vermont to New York, Mr. Hunt received \$948.23 as his share.

³ Mr. Hunt did not take his seat in the Council until the February session in 1787.

⁴ *Early History*, p. 472. In *Memorials of a Century, Bennington*, p. 276, the date is Dec. 20 1738; which does not agree with the record of age on Gen. Walbridge's tomb-stone; viz. in his 82d year Oct. 3 1819.

officers was entrusted with the secret of the Haldimand negotiations. In Dec. 1781 he commanded the Vermont forces, before whom the New York militia retreated, and subsequently was elected brigadier general. Gen. Walbridge represented Bennington in the Assembly, 1778 and 1780, and served as Councillor ten years, from Oct. 1786 to Oct. 1796. The inscription on his tomb-stone is as follows:

In memory of Gen. Ebenezer Walbridge, who departed this life Oct. the 3d, 1819, in the eighty-second year of his age. He was an affectionate husband, an indulgent father, and a friend to all mankind. He died in the full belief of a glorious resurrection in and through the atonement of Jesus Christ our Lord.

The Walbridge genealogy has been traced back to the Walbridges of Suffolk county, England, one of whom, Sir William de Walbridge, greatly distinguished himself under Richard Cœur de Lion in the fourth crusade to the holy land. Gen. Walbridge is described by Gov. Hall as an enterprising business man, who was concerned in the erection of the first paper-mill in Vermont, in 1784. He was the grandfather of Mary, wife of Gov. Washington Hunt of New York, and of Hiram Walbridge, member of Congress from New York in 1853-5. David S. Walbridge, born in Bennington July 30 1802, and member of Congress from Michigan from 1854 to 1859, was probably a relative of Gen. Walbridge.—*Memorials of a Century*, Bennington; *Early History; Vt. Hist. Mag.*, Vol. 1; *Deming's Catalogue*; and *Lanman's Dictionary of Congress*.

ISAAC TICHENOR was born in Newark, N. J., Feb. 8 1754, a graduate of Princeton college in 1775, and while studying the law he was appointed to the continental commissary department and assigned to duty in New England mainly. In the discharge of his duties he came to Bennington June 14 1777, and from that year his residence was in Bennington except when absent on official duties. About the close of the revolutionary war he commenced his professional business. He was representative of Bennington in the Vermont Assembly from Oct. 1781 to Oct. 1785, and speaker in 1783; member of the Council from Oct. 1786 to Oct. 1792; judge of the Supreme Court five years from 1791, and chief justice two years; and a member of the Council of Censors in 1792. He was U. S. Senator in 1796-7, when he resigned to take the office of Governor; and again Senator from 1815 to 1821, in all seven years. He was Governor from 1797 to 1807, and 1808-9, in all eleven years. In 1782 he was sent on a mission to the disaffected in Windham county, and not without effect, but the disease required heroic treatment at last. He was elected Agent and Delegate to the Continental Congress in 1782 and '83; and Agent in 1787-'88, and '89; and in 1790 he was one of the Commissioners of Vermont who settled the protracted controversy with New York. It is thus seen, that for thirty-eight out of the forty-four years between 1777 and 1821, Gov. Tichenor was almost constantly engaged in the service of the public, and for nearly all that

time in the service of Vermont. The secret of his success is found in the character which Governor Hiland Hall ascribed to him:

He was a man of good private character, of highly respectable talents, and of accomplished manners and insinuating address. His fascinating personal qualities acquired for him at an early day the soubriquet of the "Jersey Slick," by which he was long designated in familiar conversation.—He was a federalist in politics, and his popularity was such that he was elected governor several successive years after his party had become a minority in the State.

Gov. Tichenor died Dec. 11 1838, in his 85th year, and left no descendant. See *Early History; Vt. Hist. Magazine*, Vol. 1; *Memorials of a Century*, Bennington; Deming's *Catalogue*; and Lanman's *Dictionary of Congress*.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT RUTLAND,

OCTOBER, 1786.

STATE OF VERMONT. IN COUNCIL, Rutland, 12th Oct^r. 1786.

Present His Excellency Thomas Chittenden Esq^r Gov^r. His Honor Paul Spooner Esq^r Lt Gov^r. and the following members of the Hon^{ble} Council viz^t Hon^{ble} Moses Robinson Esq^r. Timothy Brownson Samuel Fletcher Samuel Safford Benjamin Emmons Thomas Porter & Samuel Mattocks Esq^{rs}.¹

Resolved that the Hon^{ble} Timothy Brownson, Samuel Fletcher, Thomas Porter, Benjamin Emmons, Samuel Safford, and Samuel Mattocks Esquires, be a Committee to join a Committee from the General Assembly to receive, sort, and Count, the votes of the Freemen, for Governor, Lieutenant Governor, Treasurer, & Twelve Councillors—and Declare the persons choosen for the year ensuing.

Resolved that Joseph Fay Esq^r. be and he is hereby appointed Secretary to the Governor and Council for the year Ensuing.

IN COUNCIL Thursday October 12 1786.

His Excellency Thomas Chittenden Esq^r was declared to be duly choosen Governor over the State of Vermont for the Ensuing year. There was no choice of Deputy Governor or Treasurer by the Votes of the Freemen. The following Gentlemen were declared to be duly choosen Councillors for the Ensuing year viz^t

Hon^{ble} Samuel Safford Esq^r Samuel Mattocks Thomas Porter Thomas Murdock Samuel Fletcher John Strong Nathaniel Niles Jacob Bayley Timothy Brownson Ebenezer Walbridge Jonathan Hunt Peter Olcott Esquires.

Resolved that this Council be Adjourned until Tomorrow morning 9 o'clock.

FRIDAY October 13th 1785. [1786].

Council met according to Adjournment.

The Governor and Council joined the General Assembly for the purpose of Electing a Lt Governor, & a Treasurer. The Ballots being

¹ From the *Assembly Journal*, Oct. 12 1786:

Resolved that a Committee of three be appointed to wait on the Governor and Council and inform them that the House have formed and are ready to proceed on business. Members, Mess^{rs}. Brigham, Knoulton, and Olin.

The Governor and Council having joined the House they proceeded to the meeting house where the Rev'd Pelatiah Chapin preached an election sermon agreeable to the request of the General Assembly at their last Session.

taken His Honor Paul Spooner Esq^r was declared to be Elected Lt Governor, & the Hon^{ble} Samuel Mattocks Esq^r General Treasurer for the Ensuing year.

His Excellency Thomas Chittenden Esq^r was duly qualified by taking the necessary oath of office, also the following members of the Hon^{ble} Council viz^t Hon^{ble} Timothy Brownson Esq^r Samuel Fletcher Thomas Porter Samuel Safford, Samuel Mattocks & John Strong Esq^{rs}.

Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

A Bill from the House was rec^d. appointing Mr Dewey, Mr Marvin, Mr Painter, Mr Burt, Mr Brigham, and Mr Johnson, to join a Committee of Council to make an arrangement of the most necessary business to be transacted during the present Session.

The Governor & Council joined the House for appointing Judges of the Superior Court. The Ballots being taken, the Hon^{ble} Moses Robinson Esq^r was elected chief judge; And the Hon^{ble} Paul Spooner Esq^r was elected first side Judge. The Council and Assembly Agreed to postpone the appointment of the remainder of the judges until 9 o'Clock Tomorrow morning.

Adjourned to 9 o'Clock Tomorrow.

SATURDAY, 14th. October 1786.

Council met according to Adjournment.

Resolved that Mr Fletcher and Mr Strong join the Committee of the House for arranging the business of the present Session.

The Governor and Council joined the General Assembly for the appointment of three side judges of the Supreme Court. The Ballots being taken the Hon^{ble} Nathaniel Niles Esq^r Nath^l Chipman & Luke Knowlton Esq^{rs} was Elected.

A Letter was rec^d. from the Hon^{ble} Nath^l Niles Esq^r purporting his resignation as a member of Council, which [was] accordingly Accepted by His Excellency the Governor; And the Hon^{ble} Benjamin Emmons Esq^r was Elected as member of Council in his Room.¹

Hon^{ble} Samuel Mattocks Esq^r being Elected Treasurer Resigned his office as Member of the Council which was accordingly accepted.²

A Letter Signed Beza Woodward Secretary to the Trustees of Dartmouth College was read, Together with a Letter and Address to the Governor Council & Legislature of the State of Vermont from the Hon^{ble} President Wheelock.

Council Adjourned to 9 o'Clock Monday next.

¹ Mr. Emmons declined, for the purpose of acting in the Assembly, as representative of Woodstock, on the question of the public buildings for Windsor county.

² On the same day, the Assembly requested Ira Allen "to open and continue the office of Treasurer during the present session," and "to forward an express at the expense of the State for the necessary paper." The Assembly adjourned Oct. 31, and on that day Allen signed an advertisement as treasurer, calling upon all persons having unsettled accounts to settle the same before Jan. 1 1787. A long time elapsed before Allen's accounts as Treasurer were settled and the papers of the office transferred to his successor.

MONDAY, 16th October 1786.

Met according to Adjournment.

The petition of Major William Goodrich was rec^d. praying to be discharged from his debts, having been read in General Assembly and a Committee appointed to join a Committee of Council,—Resolved that Mr Safford join the aforesaid Committee for the purposes therein mentioned.

Council Adjourned to 9 o'Clock Tomorrow Morning.

TUESDAY, 17th. October 1786.

Met according to Adjournment.

The petition of Isaac Miller Jur^r. William Miller and others, Inhabitants of Dunmerston, was read, a Committee from the House being appointed; Resolved that Mr Safford join said Committee for the purposes therein mentioned.

A motion from Thomas Chandler Esq^r. being made in the House, & a Committee appoint^d. to join a Committee of Council, to Take into Consideration a Suit at Law Commenced agai^t him for the Sale of a Lot of Land in behalf of the public, Resolved that Mr Brownson join said Committee.

A Bill from the House was rec^d. appointing a Committee of six to join a Committee of Council to take into consideration the 1st & 2^d. article of the arrangement; Resolved that Mr Strong and Mr Safford join said Committee.¹

A petition Signed Gideon Brownson was read, having been laid before the Assembly and a Committee appointed thereon to join a Committee of Council; Resolved that Mr Fletcher join said Committee.

A petition Signed Joseph Farnsworth Com^r. General was read, having [been] laid before the House of Assembly and a Committee appointed thereon to join a Committee of Council; Resolved that Mr Safford join said Committee.

Council Adjourned to 9 o'Clock Tomorrow.

WEDNESDAY, 18 October 1786.

Council met according to Adjourn^t.

On a bill from the House appointing a Committee to join a Committee of Council, to Take into consideration the State of the Militia, Resolved that Mr Safford join said Committee.

The Hon^{ble} Thomas Murdock, Peter Olcott & Jacob Bayley was duly qualified and took their Seats in Council accordingly.

Resolved that Mr Olcott & Mr Porter be a Committee from the Council to join a Committee of the General Assembly to take into consideration a Letter Signed Beza Woodward Secretary to the Board of Trust for Dartmouth College—Also a Letter & address of Mr President Wheelock, to His Excellency, to be communicated to the Hon^{ble} the Legislature,—and make Report.²

¹ These articles related to the supreme, county, and justice courts, and resulted in an act defining and limiting the jurisdiction of justice courts.—See Slade's *State Papers*, p. 506.

² The letter of Mr. Woodward, as Secretary of the Board of Trustees of Dartmouth college, was "a grateful expression and high sense" of the beneficence of the State, and an introduction and commendation of the

A petition from the Selectmen of Arlington praying for Relief by a County Tax to maintain Bridges in said Town, having [been] laid before the House and a Committee appointed to join a Committee of Council; Resolved that Mr. Brownson join said Committee.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

A petition of the Inhabitants of the County of Orange having been laid before the House and Committed—Resolved that Mr. Murdock join said Committee.

On a Bill from the House appointing a Committee to Take into consideration the mode of Taxation, & the Expediency of Granting a State Tax, Resolved that Mr. Bayley and Mr. Fletcher join said Committee.

On a Bill from the House appointing a Committee to join a Committee of Council to take into consideration the mode of Granting a County Tax, Resolved that Mr. Safford join said Committee.

A petition signed Luke Knoulton praying for a Grant of Ten Thousand acres of Land, having been read in the House and a Committee appointed to join a Committee of Council, Resolved that Mr. Brownson join said Committee.

A petition Signed Benjamin Hinshaw [Henshaw.] and a petition signed Peter Slone, [Sloane.] Throop Chapman, and others praying for a Grant of Reedsborough, having been read in the House & Committed—Resolved that Mr. Fletcher join said Committee on boath said petitions.

Council Adjourned to 9 o'Clock Tomorrow.

address of President Wheelock. The last-named document suggested to the State to sequester to the use of the college "a part of the public [land] rights in the State, those only which were left to a society for the propagation of knowledge in foreign parts;" in return for which the college promised to educate Vermonters free of tuition. The president also suggested that, if the State should establish a college, it might be "joined in one band of union" with Dartmouth. The Assembly postponed consideration of these propositions, and ordered them to be printed in both of the Vermont newspapers.—See *Vt. Gazette* of Nov. 27 1786, and *Vt. Journal* of Jan. 1 1787. These propositions were criticised as an attempt both to divert the glebe rights improperly, and to prevent the establishment of colleges in Vermont; so severely criticised as to provoke a sharp reply from President Wheelock.—See *Vt. Gazette* of Feb. 26, 1787. March 3 1787, the Assembly "Resolved that the proposals of President Wheelock made to this House in behalf of the Trustees of Dartmouth College are such that they cannot be accepted."—*Ms. Assembly Journal*, Vol. 3, pp. 145, 146. A proposition for a college at Williamstown had been made by Hon. Elijah Paine and Cornelius Lynde; and subsequently another by Ira Allen, Gov. Chittenden and others, for a college at Burlington, which was accepted, and a charter was granted Nov. 3, 1791.

THURSDAY 19 October 1786.

Met according to Adjournment.

On a Bill from the House appointing a Committee to join a Committee of Council to take under considerⁿ Eight petitions N^o. 1, 2, 3, 4, 5, 6, 7 & 8, from different Towns. Resolved that M^r Fletcher, M^r Murdock, M^r Porter, & M^r Bayley join said Committee.¹

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

A Request was rec^d. from the General Assembly for the Governor & Council to join the House in a Committee of the whole to take under consideration the dispute Relating to the Establishing the Court House in the County of Windham. The proceedings of said Committee Lodged in the files of the Assembly.²

An act passed the House & was Concurred by Council, prolonging the time of settlement in which the Grantees of Lands Granted by this State was allowed, allowing three years from the time the outlines have or may be run by order of the Legislature.

Council Adjourned to 9 o'Clock Tomorrow.

FRIDAY 20 October 1786.

Council Met according to Adjournment.

An order Drawn on the Treasurer in favour of M^r John Griffin or bearer for £2 9 9 was Given—an order Drawn on the Treasurer in favour of Berzille Rice or Bearer for £6 0 0 was given.

The Governor & Council in Consequence of a Request from the General Assembly joined the House for the appointment of County officers.

On a bill from the House appointing a Committee to join a Committee of Council to take [into] consideration the Several acts that the Council of Censors recommended to be altered and [or] Repealed, Resolved that M^r Safford and M^r Porter join said Committee.³

On a Bill from the House app^o a Committee to join a Committee of Council to Take under Consideration the Mode of Settling Tory Estates, Resolved that M^r Strong and M^r Walbridge join said Committee.

On a bill from the House with the proceedings of the Supreme Court on the dispute between Guildhall and Lunenburg, on Motion to join a Committee it passed in the Negative.

Council Adjourned to 2 o'Clock P. M.

¹ These were styled "petitions of grievance," on the distresses of the people by reason of debts which they could not pay without sacrificing their homesteads. The first was signed Edward Vail moderator and Thomas Tolman town clerk of Danby, and the others were from Pittsford, Tinmouth, Manchester, Rutland, Castleton, Clarendon, and Wallingford. There were two other papers in the Assembly, apparently on the same subject, styled instructions from Pownal to their representative, and a petition signed by Lemuel Chipman moderator of Pawlet, which do not appear on the Council journal.

² The grand committee adjourned to the 21st, when the action of the supervisors, making Newfane the county seat, was confirmed.

³ For recommendations of the Council of Censors, see Slade's *State Papers*, pp. 511–516.

Met according to Adjournment.

An act discharging Major William Goodrich from his Creditors being rec^d. from the House was read & passed with some Amendments.

Council Adjourned to 9 o'clock Tomorrow.¹

SATURDAY 21st October 1786.

Council Met according to Adjournment.

An act for the purpose of making a distribution of the Estate of W^m. Fitch Dec^d. was read & Concurred.

An act authenticating a Certain deed Given to Gills [Giles] Alexander by Hunking Wentworth Esq^r. was rec^d. read and Concurred.

Resolved that the Hon^{ble} John Fassett Jun^r Esq^r. be & he is hereby appointed a Member of Council in Lieu of Samuel Mattocks Esq^r Resigned.²

A Bill from the House:

IN GENERAL ASSEMBLY October 21st 1786.

Resolved that Thursday the 30th. day of November next be and is hereby appointed a day of Public Thanks giving & prayer thro'out this State; And His Excellency the Governor is hereby requested to Issue his Proclamation for that purpose.

Extract from the Journals,

Sign^d.

ROSSELL HOPKINS Clerk.

Record Exam^d. JOSEPH FAY, Sec^y.

An act empowering the Judge of Probate for Westminster district, to prove the will of Samuel Wells Esq^r. was rec^d. read & Concurred.

An act suspending the Collection of a Tax in Hartland was read & passed the Council.

An act empowering a Committee of Weybridge to Levy a Tax of two pence on each acre of Land in said Town to Repair roads, build Bridges, &c. was rec^d. read & Concurred, with some Amendments.

An act empowering the Selectmen of Reuport to Levy a Tax of one penny p^r. acre on all the Lands in said Reuport for the purpose of building Bridges, &c. was read and approved.

An act empowering the Selectmen of Benson to Tax said Town one penny on each acre, for building Bridges &c. was read & approved.

¹ The Convention, called by the first Council of Censors, met at Manchester on the last Thursday in June 1786, and adopted part of the amendments of the constitution which had been proposed by the Censors.—See Vol. I, p. 84. Oct. 20, the Assembly adopted the following:

Resolved that the Committee appointed by the Convention for preparing the Constitution for the press, lay before the General Assembly at their next Session the journals of said Convention in order to see if some particular sections of the constitution are not omitted through mistake.

It thus appears that the constitution was *redrafted by a committee of the Convention*, so as to incorporate the amendments. The constitution was signed by order of the Convention, July 4 1786, by MOSES ROBINSON, President, and ELIJAH PAINE, Secretary, and first printed in the *Vermont Journal*, August to October 1786.

² Mr. Fassett did not take his seat until the February session 1787.

An act, authorizing Elijah Paine and others to Levy a Tax on the Township of Williamstown of 2 pence on the acre &c. was read and concurred.

The Hon^{ble} Benjamin Emmons Esq^r having Resigned his office as Member of Council and the Same being accepted, Isaac Tichenor Esq^r was duly Elected in his room, and being qualified took his Seat in Council.¹

Resolved that on a further request from the House, that Mr Bayley & Mr Porter join a Committee on the Guildhall Dispute.

On a Bill from the House & a petition of Thomas Johnson appointing a Committee of the House to join a Committee of Council, Resolved that Mr Tichenor join said Committee.

An act empowering the Administrator to the Estate of Jacob Lindsey Dec^d to sell Land being read was approved.

On a bill from the House and petition of Joseph Foster & Aaron Barlow in behalf of the Town of Barnard & a Committee appointed thereon from the House, Resolved that Mr Olcott join said Committee.

Council Adjourned to 10 o'clock Monday next.

MONDAY 23^d October 1786.

Met according to Adjournment.

In the absence of Joseph Fay Isaac Tichenor is appointed Sec^y P. Tem.

An act for Taxing Land in the Township of Sudbury for making roads building Bridges &c. was read & approved, adding the words *Vermont Journal*. [Notice to be published in.]

An act, authenticating a Deed Given to Nath^l. Fisk was read and approved.

An act to Enable Certain persons in the Township of Tomblingson [Grafton] to Levy a tax of one penny on Each acre of Land in said Township was read and approved, adding the words *Vermont Gazettee*. [Notice to be published in the *Vermont Gazette*.]

An act Establishing New Fane a Shire Town of Windham County read & approved.

A petition Signed Reuben Harmon having been laid before the House & a Committee appointed to join a Committee of Council, Resolved that Mr Walbridge join said Committee.

Adjourned to 9 o'clock Tomorrow Morning.

TUESDAY 24th October 1786.

Council met according to Adjournment.

A petition Signed Jesse Leavenworth was read, having been laid before the House and a Committee appointed thereon to join a Committee of Council: Resolved that Mr Fletcher join said Committee.

An act Limiting the Time of Holding County offices was Read & passed.

The petition of Elizabeth Eliot was read and Mr Fletcher appointed to join a Committee appointed from the House.

¹ Mr. Emmons represented Woodstock in the Assembly, and therefore declined rather than resigned a seat in the Council. He was prompted to this doubtless by the interests of his constituents, which he was elected specially to promote.—See Vol. 1, p. 240.

On a Committee being appointed from the [House] to Consider the petition of Daniel Hill, Resolved that Mr Brownson join said Committee.

An act for Pitching undivided Land in the Township of Two Heroes, having passed the House was read & approved.

An act empowering a Committee to Tax Land in the Township of N. Haven 2 pence on the acre was rec^d. having passed the House & was approved.

An act for Taxing Land in Wilmington read & approved.

An act to Empower the Selectmen of the Town of Bridport to Levy a Tax of one penny on each acre was read having passed the House [and] was approved.

An act empowering the Town of Cornwal to Levy a Tax on all the Lands in s^d. Town of one penny p^r. acre was read & approved.

An act Levying a land Tax of one penny p^r. acre of the Town of Westminster was read and approved.

An act empowering Samuel Williams adminis^r. on the Estate of E. Davis dec^d. to sell real Estate &c. was read & approved.

Council Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

An act declaring certain articles of Produce a Tender to the Subjects of the United States on Execution, being such as are a Tender on Execⁿ. in said States, was read and an amendment [made] & Returned to the House.¹

An Act, Granting Reuben Harmon Jun^r. Esq^r the exclusive right of coining Copper within this State for the term of Eight years was read & approved.

An act to Levy a Tax on Brumly [Peru] and Landgrove of 2 pence on each acre of Land in s^d. Townships, was read and approved, with the amendment *that the whole Tax be Collected at one Time*.

An act to Levy a Tax on Winhall of 2^d. on Each acre of Land was read & approved, with the above amendment.

Adjourned to 9 o'Clock Tomorrow.

WEDNESDAY 25th. October 1786.

Council met according to Adjournment.

An act Granting a Tax in the Town of Reyagate of one penny p^r. acre having passed the House was read and Concurred.

An act Fixing the Shire Town [Newbury] for the County of Orange having passed the House was read and Concurred.

Resolved that Mr Walbridge join Guildhal Committee in Lieu of Mr Bayley.

Adjourned to 2 o'Clock P: M:

Met according to Adjournment, And Adjourned until Tomorrow 9 o'Clock A. M.

THURSDAY 26 October 1786.

Met according to Adjournment, And Adjourned to 2 o'Clock P: M:

Met according to Adjourn^t.

An execution Issued against John Barret Esq^r. for £27 12 8, Cost of his Suit of Impeachment, Signed by order of Council

JOSEPH FAY Sec^y.

¹ See Slade's *State Papers*, p. 504.

An act Prolonging the Time of Redemption of one acre and one quarter of Land in Brattleboro on the petition of Mrs. Elizabeth Eliot admin^r. was read and having passed the House was approved.

An act to enable the Land owners in Fairlee to meet and Transact business was read and having passed the House was Concurred.

An act to Levy a Tax on Barnet having passed the House was read & approved.

An act to impower the Sale of Part of the Real Estate of William Lammen having passed the House was read and Concurred.

An act to prevent Felling Timber into Otter Creek having passed the House was read and Concurred.

An act repealling part of an Act, entitled An act Constituting the Supreme Court a Court of Equity and declaring their Power, having passed the General Assembly, was read and Concurred.¹

A petition Signed Jonathan Arnold praying for a Grant of Land, having been read in the House and a Committee appointed thereon to join a Committee of Council, Resolved that Mr. Fletcher join said Committee, & Also to join a Committee on a Simelar petition Signed Leavenworth & Bayley for a Grant of Land.²

The petition of General Chandler & a number of officers of the Continental Army praying for a Grant of Land [read] in Council & refered to the General Assembly for their Consideration.³

On motion of the Hon^{ble} Ira Allen Esq^r. Respecting a Commercial Treaty with the Province of Canada & Great Britain requesting that Mr. Levi Allen be appointed in Lieu of Joseph Fay resigned. Therefore resolved that Mr. Levi Allen be & he is hereby appointed in Lieu of said Joseph, & that Levi Allens name be entered in said Commission for that purpose.

Adjourned to 9 oClock Tomorrow.

FRIDAY 27th October 1786.

Council met according to Adjournment.

On the motion of Mr. Chipman in behalf of the petition of Timothy Andrus and associates Lodged in Council in the year 1779 praying for a Grant of six Townships of Land, being made to the Governor and Council, proposing that the Grant of said Townships be Confirmed to them; On the question being put to the Council wheather they Considered themselves authorized to Grant the said request it passed in the Negative.

An act establishing *Woodstock* the Shire Town for the County of Windsor having passed the House was read and Concurred.

An act, forbidding the Sale of any Negro or Subject of this State be-

¹ This act repealed so much of the act of 1779 as authorized the Governor, Council, and General Assembly to try certain cases in equity.

² Petition of Jonathan Arnold, Jacob Bayley, and Jesse Leavenworth, in response to which the towns of Dauville and St. Johnsbury were granted.

³ Probably Gen. JOHN CHANDLER, father of Hon. John W. Chandler, headed the petition. He came from Newtown, Conn., to Peacham, where he died March 15 1776.—*U. Hist. Magazine*, Vol. I, pp. 363, 364.

ing sold into Slavery, having passed the General Assembly was read & Concurred. *Omitting the last paragraph.*¹

An act Dividing the Counties of Orange and Addison having passed the House was read & approved.²

Mr. Walbridge obtained Leave of Absence during the present Session. Adjourned to 9 o'Clock Tomorrow.

SATURDAY 28 October 1786.

Met according to Adjournment.

An act for regulating the Militia of this State having passed the General Assembly was read and Concurred.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

Resolved that the Grant of Land made to Jonathan Arnold Esqr & associates, and also to General Jacob Bayley & Jesse Leavenworth and their associates, be under the following Termes viz^t that each proprietor agreeable to the Grant pay for each Right in said Grant nine pounds L. money on or before the first day of June next; And in order to appropriate the fees to the exigences of the State, Resolved that the Land Committee be & hereby are Authorized to receive receipts from the Several Grantees Sign^d by the Surveyor General for Provisions furnished or services performed for his department, And also that the Said Grantees have the Liberty of paying unto the Committee, such sum or sums of the public Security of this State, as they shall pay in hard Money towards the aforesaid Grants, and that a Charter or Charters of incorporation be made under the Same Restrictions & Reservations of public rights &c. as in other Grants or Charters Issued by this State.

Adjourned to 9 o'Clock Monday next.

MONDAY 30 October 1786.

Council met according to Adjournment.

An order Drawn in favour of Hough & Spooner printers to the State of Vermont, for printing the Constitution &c. payable by the Treasurer out of the hard money Taxes for £15 8 0 - sign^d by order of Council.

JOSEPH FAY Secy.

An order drawn in favour of Briant Brown Esqr for £2 10 to be paid out of the Hard Money Taxes signed p^r order of Council,

£2 10.

JOSEPH FAY, Secy.

An act authorizing the sale of part of the real Estate of Gideon Bristol Dec^d having passed the General Assembly was read and Concurred.

An act to Continue in force the Laws of this State having passed the House was read approved.

An act in addition to an act Intitled an Act for appointing Sheriffs &c. having passed the House was read and Concurred.

An act in addition to an Act regulating proprietors Meetings was read and approved.

¹ What the last paragraph in the bill was does not appear. The amendment was concurred in by the Assembly. For the act see Vol. I, p. 92, note 1.

² The title was "an act for ascertaining the westerly line of Orange county and the easterly line of Addison county."

An act directing the sale of part of the real Estate of Elisha Leach late of Paulet dec^d to discharge the debts due from said Estate having passed the House, was read and approved.

An act regulating the Milita was read a Second time with the amendment, having passed the House, was Concurred.

Council Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

On the petition of David Hyde Agent for the Town of Brunswick, and Several other Towns, named therein, being rec^d from the House, and a Committee appointed thereon to join a Committee of Council, Resolved that the said petition & the appointm^t of a Committee to join, be refered to the next Session of Assembly.

On a bill from the House appointing a Committee of three to join a Committee of Council, to Confer with Ira Allen Esq^r & Samuel Matlocks Esq^r relative to Transferring the Treasury, Resolved that M^r Saford and M^r Tichenor join said Committee.

Adjourned to 8 o'Clock Tomorrow.

TUESDAY 31st October 1786.

Council met according to Adjournment.

An act to oblige the fulfilment of Contracts having passed the House was read in Council and disapproved. And the following proposal made in Lieu thereof viz^t That all the Articles specified in the General Act of Tendery made in 1782 be adopted and made a Tendery on all Contracts made since with the following amendments viz^t that all articles in said act, which are made a Tendery shall be delivered at the Dwelling House or place of the Creditors residence, or such other place within [the] State at the cost of Debtor, as the said Creditor & Debtor shall agree, [provided] said act shall remain in force until the rising of the Assembly in February next and no Longer.¹

An act making it the duty of the States Attorney to defend certain officers therein named &c. was read in Council & approved, & sent to the General Assembly to be passed into a Law of this State.

Resolved that the Secretary of Council, be & he is hereby directed, to Provide a proper book (at the expense of this State) and cause all the records, and proceedings of the Governor and Council, to be fairly recorded therein, & that the Same wages be Allowed him therefor as the Secretary of State is Allowed for Recording Laws; And that all Com-

¹ From the *Assembly Journal*, Oct. 31 1786:

The Council sent back the bill entitled an act to compel the fulfilment of contracts according to the intent of the parties, with the following entered on the same, viz.—[reciting the resolution in the text.]

The question being put whether this House will agree thereto it passed in the negative—and the question being put whether said bill shall pass into a law of this State, it passed in the affirmative.

The act referred to in the proposition of the Council, is that in Slade's *State Papers*, p. 461. By that act, all personal estate taken on execution for more than one pound, was, after four days had elapsed, to be appraised to the creditor at the sign-post in the town where taken; and neat cattle, wheat, rye, and Indian corn were made a lawful tendry on an execution.

missions of Sequestration and Commissions of Sales be also recorded therein.

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

An act for the purpose of Levying a Tax therein Contained having passed the House was read & approved with the amendments proposed and on said bill.

The following Message was sent from the Governor and Council to the General Assembly viz^t The Council being informed that their proposals on the bill intitled an act to Compel the fulfilment of Contracts, has not been Attended too, but said bill passed into a Law, they therefore propose that said bill be returned to the Council for revision and Concurrence.¹

An act for Transferring the papers of the former Treasurer of this State to the present Treasurer having passed the General Assembly was read and approved.

A message from the House was Rec^d as follows:

IN GENERAL ASSEMBLY, Oct^r 31 1786.

This House have rec^d a Message from the Hon^{ble} Council in the words following, viz^t "The Council being informed that their proposals of amendment, on the bill intitled an Act to Compel the fulfilment of Contracts, has not been Attended too, but the bill passed into a Law, they therefore propose that said bill be returned for revision & Concurrence."

p^r order,

JOSEPH FAY, Sec^y."

Resolved that in the opinion of this House, the said bill was without any proposals of amendment by the Honorable Council, & therefore that the said bill was Constitutionally passed into a Law, & that M^r Marvin be directed to acquaint the Hon^{ble} Council therewith.

Extract from the journals,

ROS. HOPKINS, Clerk.²

An act directing the sum in which the Sheriff in Each County shall Stand bound for the faithful performance of his trust, having passed the General Assembly was read and approved. *Bond to be £3,000.*

On the Act defining and Limiting the jurisdiction of Justices Courts, the Council returned the Same with proposals of amendment.

Resolved that Hiland Hall Esq^r be & he is hereby appointed one of the judges of the Court in and for the County of Addison, in lieu of Ira Allen Esq^r Resigned.

¹ This being communicated to the Assembly, the question was put "whether this House will send back the bill requested," and it was decided, on the yeas and nays, in the negative—yeas 24, nays 30.

² The proposal of the Council was not in the common form of an amendment; yet it is obvious that it offered the act of 1782, with an amendment, as a substitute for the Assembly's bill. Had this disagreement occurred at any time other than in the last hours of the session, it is probable that the Governor and Council would have insisted on their right to suspend the bill, under section XVI of chapter II of the amended constitution of 1786. This section empowered that body to return bills to the Assembly, "with their proposals of amendment (if any) in writing; and if the same are not agreed to by the Assembly, it shall be in the power of the Governor and Council to suspend the passing of such bills until the next session of the Legislature."

An order drawn in favour of M^r Bell for £1 10 0 to be paid out of the Hard money Taxes.

On a bill from the House appointing a Committee to join a Committee of the Council to revise the Laws, Resolved that M^r Tichenor and M^r Safford join said Committee.

Council Adjourned to 8 o'Clock Tomorrow.¹

WEDNESDAY November 1st 1786.

Council met according to Adjournment.

Hon^{ble} Samuel Mattocks Esq^r Principle, John Strong & Nathaniel Chipman Esquires as sureties appearing acknowledged themselves jointly and Severally recognized and firmly bound & obliged to the Secretary of State in the sum of *Ten thousand pounds* L. Money and that for the faithful payment of the Said Sum, they & their Heirs are jointly and Severally firmly bound, Conditioned in the following manner viz^t that if the above bounden Samuel Mattocks shall faithfully execute & discharge the Duty of Treasurer for the State of Vermont for the year Ensuing so that no Damage be sustained to the public or any Individual in His said office of Treasurer, that then this Obligation be Void, otherwise to remain in full force and Virtue in Law.

Attest, JOSEPH FAY, Sec^y.

END OF OCTOBER SESSION.

Adjourned without Day.

JOS. FAY, Sec^y.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

ADJOURNED SESSION WITH THE GENERAL ASSEMBLY AT

BENNINGTON, FEBRUARY AND MARCH 1787.²

At a meeting of the Governor and Council of the State of Vermont at their Session Held at Bennington Commencing Thursday 15 February 1787, present His Excellency Thomas Chittenden Esq^r Gov^r and the following members of the Hon^{ble} Council, Hon^{ble} Timothy Brownson Samuel Fletcher John Fassett Thomas Murdock, Peter Olcott Samuel Safford Ebenezer Walbridge Jonathan Hunt John Strong Esq^{rs} & Joseph Fay Esq^r Sec^y & Jonas Galusha Esq^r Sheriff.

¹ The Assembly fixed the Governor's salary for the then ensuing year at £150 lawful money, and adjourned on the 31st of October 1786, to meet at Bennington on the third Thursday in February 1787.

² This session was occupied mainly with a revision and re-enactment of the general statutes.

Hon^{ble} John Fassett & Jonathan Hunt Esquires took the necessary Oaths required by Constitution to Quallify to the office of Councillors for the Year ensuing & took their Seats accordingly.

Attest, JOSEPH FAY, Secy.

Joseph Fay Esq^r being called on by His Excellency the Governor was duly sworn to the office of Secretary to the Governor and Council for the year ensuing, And also to the office of Adjutant General over all the Militia of the State of Vermont.

Adjourned to 9 oClock Tomorrow Morning.

FRIDAY February 16th 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r and the following members of the Honorable Council viz^t Timothy Brownson Samuel Fletcher John Fassett Thomas Murdock Peter Olcott Samuel Safford Ebenezer Walbridge Jonathan Hunt John Strong and Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r Secy. & Jonas Galusha Esq^r Sheriff.

The following Letters were read in Council viz^t one from Levi Allen Esq^r dated at Onion river, January 1st 1787 inclosing a return of his Commission to Lord Dorchester for regulating Trade & Commerce; one Letter from the Hon^{ble} W^m. Smith chief Justice of the Province of Quebec Relative to his lands in this State with a Stating of the same by John Kelly Esq^r¹; one Letter from the Selectmen & Town Clerk of Dorset appointing Mr Shumway a Justice of the Peace—one Letter from William Brush Esq^r side judge of the County Court for the County of Addison requesting Leave to Resign his office as Judge.

Resolved that the Resignation of William Brush Esq^r be accepted, and that the Secy be and he is hereby directed to return the thanks of the Council to him for his Services as side Judge of the County Court in & for the County of Addison.

A Bill from the House appointing a Committee viz^t Mr Dewey, Mr Samuel Lane, Mr Bridgeman, Mr Emmons, and Mr Steel, to join a Committee from the Council to take into Consideration the Letters from Levi Allen Esq^r & the Hon^{ble} William Smith chief Justice in the Province of Quebec, to State facts & make report to the House; Resolved that Mr Tichenor, Mr Olcott & Mr Strong join the above Committee for the purpose Mentioned Above.

Adjourned to 2 oClock P: M:

Met according to Adjournment.

Resolved that Mr Fasset wait on the General Assembly to know if there is any business to be laid before the Council.

Adjourned to 9 oClock Tomorrow.

SATURDAY, 17th Feby. 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r and the following members of the Hon^{ble} Council viz^t Timothy Brownson Samuel Fletcher John Fassett Thomas Murdock Peter Olcott Samuel Safford Ebenezer Walbridge Jonathan Hunt John Strong Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r Secy. Jonas Galusha Esq^r Sheriff.

¹ These letters were laid before the Assembly also.

An act Establishing the forms of Oaths was read and approved with this proposed alteration viz^t that every Oath begin with the words "You swear by the ever living God."

An act for Auditting public accounts having passed the General Assembly was Read and approved.

A petition Signed Stephen [Benjamin] Randal and a number of the Inhabitants of the State of N: York formerly included in the Western Union, praying for compensation from this State for Losses they sustained in Consequence of their Adhearing to the Jurisdiction of the State of Vermont: The aforesaid petition having been read in General Assembly and Mr. Brownson Mr. Dewey & Mr. Bridgeman being appointed a Committee to join a Committee of Council, Resolved that Mr. Walbridge join said Committee.¹

A petition from the Selectmen of Wilmington praying for abatement of Taxes in said Town, in consequence of a mistake of the Listers of £301—the said petition having been read in the Assembly & refered to the Committee appointed to take under Consideration the petition of Benjamin Randal & others, Resolved therefore that Mr. Walbridge join said Committee.

A petition from the Selectmen of Tomblingson [Grafton] praying for abatement of Taxes, on acc^t of a mistake in casting up said list of £73, was read and refered to the Committee appointed on the aforesaid petition, Resolved therefore that Mr. Walbridge join said Committee.

An act Granting John Harwood a new Trial in a Certain Case therein mentioned was read and having passed the House was Concurred.

The petition of Royal Tyler Esq^r Commissioner from Major General Lincoln in behalf of the Commonwealth of Massachusetts, requesting the assistants of this Government in apprehending Certain Characters Insurgents & Rebels against the authority of said Commonwealth, who have taken shelter in the State of Vermont, the same being read in Council it is Resolved that Mr. Tichenor wait on the General Assembly with said petition.

The petition of Royal Tyler Esq^r having been read in the General Assembly & Mr. Goodrich, Mr. Brownson, Mr. Chipman, Mr. Marvin, Mr. Hall, Mr. Lane, Mr. Freeman, Mr. Bridgeman, Mr. Weld, Mr. Brigham, Mr. Steel, & Mr. Peirce being appointed a Committee to join a Committee of Council, Whereupon Resolved, that Mr. Hunt, Mr. Olcott & Mr. Tichenor join said Committee.

The following report of Committee was Rec^d. from the House viz^t Your Committee to whom was refered the Letter from the Hon^{ble} William Smith Esq^r to His Excellency the Gov^r. of this State, relative to Lands owned by him & intrusted to his care, Report, that His Excellency by advice of this Council, be requested to Answer the Several Matters specially mentioned in Mr. Smith's Letter; and in particular to assure him that this Government have in all their official Transactions, Inviolably adhered to the articles of Treaty which he refers too.

ISAAC TICHENOR for Comtee.

¹ In the Assembly journal this is described as "a petition signed Benjⁿ. Randall, Lieut. Col^o and fifty five others inhabitants of Little Hoosack in the State of New York, praying for a compensation for the damages they sustained for their influence and zeal in adding the western union to this State, &c." In response to this petition, the Assembly decided to grant a township six miles square as soon as vacant land could be found.

IN GENERAL ASSEMBLY Feb^y 18 [17] 1787.

The above Report was read & accepted and Sent to His Excellency the Governor.

Attest. Ros^l HOPKINS, Clerk.

Adjourned until 10 o'clock Monday next.

Attest. JOSEPH FAY Sec^y.BENNINGTON, 19 Feb^y 1787.

Council met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r. His Honor Joseph Marsh Esq^r Lieu^t. Governor & the following members of the Hon^{ble} Council, viz^t Hon^{ble} Samuel Fletcher Peter Olcott Samuel Safford Jacob Bayley Ebenezer Walbridge Jonathan Hunt Isaac Tichenor John Strong Thomas Murdock & Timothy Brownson Esq^{rs}. Joseph Fay Esq^r Sec^y. Jonas Galusha Sheriff.

His Honor Joseph Marsh Lt. Governor Having been duly qualified before his honor Judge Olcott appeared this day in Council & Took his Seat accordingly.

An act for the punishment of Drunkenness, Gaming & profane swearing, was read & the Governor & Council propose to the Hon^{ble} General Assembly as an amendment to said act that the following words be erased viz^t "*for any Rum or Sums of Money, Goods or Liquors.*"¹

An act Respecting Fences was Rec^d & having passed the House was read & approved.

An act for auditting public accounts having passed the House was read & approved adding the following Words "*And all Money paid into the Treasury.*"

IN GENERAL ASSEMBLY 19th Feb^y 1787.

The Inclosed petitions from N^o. 1 to N^o. 9 were Read and refered to a Committee of six, to Take the Same under consideration, State facts, and make report of their Opinion to this House; Members choosen Mr Dewey, Mr Stevens, Mr. Brown, Mr. Wood, Mr. Weld & Mr. Peirce.

Attest. Ros^l HOPKINS. Clerk.

¹ By the first section of this act, any person found so drunk as to be deprived of the use of "reason and understanding, or the use of their limbs," was subject to a fine of six shillings for every offence, for the use of the poor; and for non-payment of fine and costs, the offender was to "be set in the stocks not exceeding three hours." By another act, each town was to provide "a good pair of stocks, with lock and key sufficient to secure offenders who shall be sentenced to sit therein; which stocks shall be erected in the most public place in each respective town." The second section of the act prohibited gambling with "cards, dice, bowls, shuffleboards, or billiards, or any instrument for gaming," in any tavern, ale, or victualling house. "for any sum or sums of money, goods or liquors"; and the third section prohibited such games on any bet or wager, or horse racing, or other sport, in any place in the state. It will be observed that the amendment of the Council was not concurred in by the Assembly. The penalty of the second section was a fine of £5 and costs; and of the third, was the value of the money or goods bet, or played for, or won, to be recovered for the use of the town where the offence was committed.

The above petitions were from the Inhabitents of the following Towns viz^t Pittsford, Barnard, Hartland, Reading, Brandon, Windsor & Hartland, and one from a number of Inhabitents from the County of Rutland. Resolved that Mr. Fletcher, Mr. Walbridge & Mr. Strong join the Above Committee for the purpose mentioned above.¹

Adjourned to 2 o'clock P. M. & met accordingly.

An act Regulating Mills & Millers was read & proposed by the Governor and Council as an amendment viz^t that three quarts of Corn be allowed for Grinding each bushel, in Lien of 2 Quarts.

The petition of Lemuel Burk, Elnathan Marvin & others, and also the petition of Elisha Barber having been read in General Assembly & a Committee appointed thereon to join a Committee of Council viz. Mr. Brownson, Mr. Hall, & Mr. Goodrich, Resolved that Mr. Tichenor, Mr. Bayley & Mr. Strong join said Committee.

An act for dividing this State into Probate districts was rec^d. & having passed the House was read and Concurred.

An act against Barratry and Common Barotters [barrators] having passed the House was rec^d. read & Concurred.

An act concerning Bastards and Bastardy having passed the House was rec^d. read and Concurred.

An act directing Constables in their office & duty, having passed the house, was Rec^d. Read & approved.

An act regulating Ferry^s & Ferriages having passed the House was rec^d. read & Concurred.

An act directing the Proceedings against Forcible Entry & Detainer, having passed the House was rec^d. read & Concurred.

An act for the punishment of theft Having passed the General Assembly was rec^d. read & approved.

An act regulating the Trial of persons who on being arraigned for Crimes against the State shall Stand Mute, Having passed the General Assembly, was rec^d. read & Concurred.

An act for Surpressing Lotteries [without special license from the Legislature] Having passed the General Assembly was rec^d. read & Concurred.

An act concerning Sudden and untimely Deaths [requiring jury of inquest.] having passed the General Assembly was rec^d. read & Concurred.

An act Enabling Towns to Tax themselves having passed the General Assembly was rec^d. read & Concurred.

An act empowering Eli Cogswel Esq^r to Sell part of the real Estate of Justice Hecock [Justus Hickok] Dec^d. having passed the General Assembly was rec^d. read and Concurred.

Adjourned to 9 o'clock Tomorrow.

TUESDAY 20 February 1787.

Council Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r. His Honor Joseph Marsh Esq^r Lt Gov^r. The Hon^{ble} Timothy Brownson John Fassett Samuel Fletcher Peter Olcott Sammel Safford Jacob Bayley Thomas Murdock Ebenezer Walbridge John Strong Jonathan Hunt & Isaac Tichenor Esquires, & Joseph Fay Esq^r Sec^y. & Jonas Galusha Esq^r Sheriff.

¹One was a remonstrance from Hartland against the petition from that town; so Hartland appears in the list twice.

A petition from a Number of the Inhabitants of Dorset relative to the appointment of a Justice of the Peace was read & ordered to remain on file until the arrival of Mr Brown who is appointed to prefer said petition, Together with a Letter from Mr Underhill.

A petition Signed by Thomas Sawyer in behalf of a number of others having been read in the General Assembly & referred to a Committee, as Also the petition of John Barnes, viz^t Mr Goodrich, Mr B. Burt, & Mr Cook to join a Committee from the Council, Resolved that Mr Bayley and Mr Safford join the Above Committee To Take into Consideration the aforesaid petitions, and Report.¹

A petition from the Inhabitants of Randolph praying for a release of part or all of the expence for Surveying Town lines having been read in General Assembly & Mr Dewey Mr Brownson & Mr Parkhurst appointed as a Committee to join a Committee of Council to Take the Same into Consideration, Resolved that Mr Fassett join said Committee for the aforesaid purpose.

An act ascertaining the Value of Contracts made for Continental Money or Bills of Credit of the United States, having passed the General Assembly was rec^d read and approved.²

On motion of His Excellency Resolved that Isaac Tichenor & Joseph Fay Esquires, be & they are hereby appointed to make a draft of a Letter to the Hon^{ble} William Smith Esq^r of the Province of Quebec, in answer to his letter to His Excellency the Governor relative to Lands which he owns in this State.

A petition signed Elias Dickenson against Thomas Chandler Esq^r was read having been read in General Assembly, & Mr Goodrich, Mr Marsh, Mr Hall, Mr Jewet, Mr Emmons, and Mr Bliss being appointed a Committee to join a Committee of Council, Resolved that Mr Murdock join said Committee for the purposes therein named.

Adjourned to 2 o'Clock P. M.

¹ Sawyer's petition was for leniency to the rioters taken at Rutland in Nov. 1786; and for compensation to Nehemiah Hopkins, who was wounded at that time. Barnes asked to have state money orders, that were burnt with his house, made good.

² Lawful money, or bills of credit, preceeding Sept. 1 1777, were of the value of gold and silver. The depreciation of continental currency was so fixed by this act that a dollar in gold or silver would be equivalent to continental bills as follows:

	Cents.		Cents.		Cents.
Sept. 1 1777,	100	Oct. 1 1778,	325	Nov. 1 1779,	1600
Oct. 1 " "	110	Nov. 1 " "	360	Dec. 1 " "	1800
Nov. 1 " "	120	Dec. 1 " "	400	Jan. 1 1780,	2000
Dec. 1 " "	130	Jan. 1 1779,	450	Feb. 1 " "	2400
Jan. 1 1778,	140	Feb. 1 " "	500	Mar. 1 " "	2800
Feb. 1 " "	155	Mar. 1 " "	550	April 1 " "	3200
Mar. 1 " "	170	April 1 " "	600	May 1 " "	3600
April 1 " "	185	May 1 " "	800	June 1 " "	4000
May 1 " "	200	June 1 " "	1000	July 1 " "	5000
June 1 " "	220	July 1 " "	1100	Aug. 1 " "	6000
July 1 " "	240	Aug. 1 " "	1200	Sept. 1 " "	7200
Aug. 1 " "	260	Sept. 1 " "	1300		
Sept. 1 " "	295	Oct. 1 " "	1450		

Met according to Adjournment.

A petition signed Elisha Heard [Hurd] & Richard Sackett, Also a petition Signed Ichabod Bartlett, having been read in General Assembly and a Committee appointed to join a Committee of Council viz^t Mr Jewet, Mr Brownson, Mr Weld, & [Mr] Sheldon, the same being read in Council, Resolved that Mr Hunt join said Committee for the purposes therein mentioned.¹

A petition from the Inhabitants of Vershire praying to be Released from the Survey Tax of £27 7 9 was read and having been by the General Assembly referred to the Committee on Randolph petition, Resolved that the Consideration be referred to the said Committee accordingly.

A petition Signed William Sergents praying for the repeal of a Certain Act therein mentioned having been read in the General Assembly & Mr Gray, Mr Emmons, Mr Wells & Mr Pierce appointed as a Committee to join a Committee of Council, whereupon Resolved that Mr Tichenor & Mr Oleott join said Committee.

A petition Signed Asa Whitecomb and his associates was read having been read in General Assembly, & Mr Burt, Mr Sheldon, and Mr Campfield [Canfield] appointed as a Committee to join a Committee of Council to Take the Same under Consideration State facts & Report, Resolved that his honor Governor Marsh join the Above Committee.

Adjourned to 9 o'clock Tomorrow.

BENNINGTON 21st Feb^r 1787.

Met according to Adjournment.

Present His Excellency Governor Chittenden, His Honor Joseph Marsh Esq^r Lt Gov^r and the following members of the Hon^{ble} Council viz^t Timothy Brownson Samuel Fletcher Thomas Murdock Jacob Bayley Peter Oleott Samuel Safford John Fassett [jr.] Ebenezer Walbridge Jonathan Hunt John Strong & Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r. Sec^y. Jonas Galusha Esq^r Sh^{ff}.

A Bill from the House was rec^d. appointing a Committee of six viz. Mr Dewey, Mr Marvin, Mr [Samuel] Lane, Mr Bridgman, Mr Brigham & Mr Bliss, to join a Committee of Council to prepare a bill for Transferring the Treasury from the old to the new Treasury, Resolved that Mr Tichenor Mr Bayley & Mr Walbridge join said Committee.

An act for Taxing Land in Wallingford and Jackson's Gore was Rec^d. Read & approved.

An Act Taxing Land in Royalton two pence on the acre having passed the General Assembly was Read & Concurred.

An act Taxing the Town of Charlotte one penny half penny on the acre was read and an amendment proposed viz^t that the Tax be only one penny.

Adjourned to 2 o'clock P. M.

¹ Mr. Bartlett is supposed to have been of Salisbury, Conn., the birth-place in 1786 of the distinguished Ichabod Bartlett of N. H. He had sold a farm to Abel Hawley jr., which had been confiscated by reason of Hawley's adherence to the British, and Hawley had died. Bartlett prayed relief. Hurd and Sackett had joined the British, with the penalty of confiscation by Vermont. They had returned to the State, and, being hard pressed by creditors, they also prayed relief. These petitions were dismissed.

Met according to Adjournment.

An Act Regulating Town Meetings having passed the General Assembly was read & Concurred.

An act Taxing Land in Ferrisburgh was read, & the Governor & Council proposed an amendment to this bill, That the time for paying the Tax be two years from this date.

An act Taxing Land in Orwel one penny half penny on the acre was read and the Governor & Council propose as an amendment that the Tax be only one penny.

An act for Taxing Land in Monkton was read, and the Governor & Council propose as an amendment to this bill that the Tax be only one penny in Lieu of one penny half penny.

Adjourned to 9 o'Clock Tomorrow.

THURSDAY 22^d Feb^r. 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. His Honor Joseph Marsh Lt Gov^r. And the following members of the Hon^{ble} Council viz^t Hon^{ble} Timothy Brownson John Fassett Peter Olcott Samuel Fletcher Thomas Murdock Samuel Safford Jacob Bayley Jonathan Hunt Ebenezer Walbridge John Strong and Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. & Jonas Galusha Esq^r. Sheriff.

A petition Signed by a number of Inhabitants of the County of Windsor praying for the remission of their fines imposed on them by the Hon^{ble} Supreme Court in November last, was read having been read in General Assembly, and the following members being appointed to join a Committee of Council viz^t Mr. Dewey, Mr. Higby, Mr. Hall, Mr. Burt, Mr. B. Brown & Mr. Bliss, Resolved that Mr. Strong and Mr. Bayley join said Committee.

A Stating of Certain facts by the Hon^{ble} Ira Allen was read and ordered to be sent to the Hon^{ble} General Assembly.

A petition Signed W^m. Chase and Artemus Ross of the State of N. York praying for a Grant of a Lottery for Building a Bridge over Hoo-sack River, having been read in the General Assembly, & Mr. Stevens, Mr. Ward & Mr. Thompson, appointed as a Committee to join a Committee of Council, to Take the same under Consideration and make report, Resolved that Mr. Brownson join said Committee as also the Committee on the petition of [for] a Lottery for building a bridge over Otter Creek near Middlebury, Cornwel, [Cornwall,] and Salisbury.

IN GENERAL ASSEMBLY, Feb^r. 22 1787.

Resolved that a Committee of three to join a Committee of Council, be appointed to prepare & bring in a bill Regulating the office & Duty of Treasurer; And the mode for Liberating Debtors who are confined in Goal, on delivering up their Estate agreeable to the Constitution, the members choosen Mr. Bridgeman, Mr. Weld, and Mr. B. Brown.

The above bill being read in Council, Resolved, that Mr. Hunt and Mr. Tichenor join s^d. Committee for the above purposes.

A bill from the House was read appointing a Committee of six to join a Committee of Council viz^t Mr. Goodrich, Judge Ward, Mr. P. Brown, Mr. Wood, Mr. Emmons & Mr. Rosbrook, to bring a bill for the Settlement of Debts due from Confiscated Estates, Resolved that Mr. Olcott & Mr. Strong join said Committee for the purposes mentioned in said bill.

An act directing an appeal to be Entered in the cause of Silas Whitney & Jabez Carpenter, was read & Concurred.

An act concerning Sureties and Cire [scire] Facias^s was read and approved.

And act regulating Marriages was read And the Governor and Council propose to the Honorable the General Assembly the following amendments to the bill, that his honor the Deputy Governor be empowered to Marry; that the words *wives sister* be Erased; *or by being Generally named in any Deed or will by Father or Mother* be Erased, as Marked within.¹

On the recommitment of the petition from the proprietors of Randolp, [Randolph.] and also the petition from the Inhabitents of Vershire, Resolved that Mr. Murdock join the Committee on Each of said Petitions; the Members chosen from the House on Randolph Petition, Mr. Dewey, Mr. Brownson, & Mr. Parkhurst.

Sundry Letters from the Consul of France, Mr. St. John [de Crevecoeur] was read & refered to the Hon^{ble} General Assembly for their Consideration.

Adjourned to 9 oClock Tomorrow.

BENNINGTON 23 Feb^r 1787.

Council met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. His Honor Joseph Marsh Esq^r. Lt Gov^r. and the following Members of the Hon^{ble} Council viz^t Timothy Brownson John Fassett Samuel Fletcher Peter Olcott Thomas Murdock Jacob Bayley Ebenezer Walbridge Jonathan Hunt John Strong and Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r. Sec^y. Jonas Galusha Esq^r. Sheriff.

A Letter from the Hon^{ble} Major General Lincoln to his Excellency Governor Chittenden, inclosing a Proclamation, offering to recommend the Insurgents in Massachusetts for Pardon, An act for Inlisting 1,500 men &c. with a Declaration of Rebellion, Together with a Letter from Major [Royall] Tyler, was Read. Also a Letter from His Excellency Governor Bowdwin [Bowdoin] dated the 10 Inst. a Copy of His Proclamation for apprehending Insurgents in that State, Together with a Resolve of the Legislature, requesting the Governor to Issue his Proclamation &c. was read and Resolved that the Governor & Council wait personally on the Hon^{ble} General Assembly to lay said Letters and papers before them for their information perusal & advice.

A petition from the Proprietors of Windsor Court House, and a petition from a number of Inhabitints of the County of Windsor relative to said Court House, was read and Mr. Brownson, Mr. Bayley & Mr. Hunt appointed as a Committee of Council to join a Committee of the General Assembly for the purposes therein named.

Sundry letters from the Consul of France [Hector St. John de Crevecoeur] to the Hon^{ble} General [Ethan] Allen having been laid before the General Assembly, and Committee of three viz. Mr. Chipman, Mr. Marvin, & Mr. B. Brown, appointed to join a Committee of Council to State facts & make report, Resolved that Mr. Brownson join said Committee.

¹ The act provided that all children born of an incestuous marriage "shall be forever disabled to inherit by descent"; and it is supposed this was followed in the original bill by these words: *or by being generally named in any deed or will by father or mother.* The amendments of Council were agreed to by the Assembly.

A bill from the House appointing a Committee of six to join a Committee of Council viz^t Mr. Goodrich, Mr. Marvin, Mr. P. Brown, Mr. Cook, Mr. Brigham & Mr. Peirce, to Take into Consideration the proposals of the Hon^{ble} President Wheelock &c. Resolved that Mr. Marsh, Mr. Olcott, & Mr. Fassett join said Committee for the aforesaid purposes.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

An Act Authenticating two Deeds therein named to Samuel Allen having passed the General Assembly was read and Concurred.

An act relating to Quakers affirmation was read and Concurred.

An act authenticating a Deed from Samuel Averil to Phelix Powel was read and Concurred.

Adjourned to 9 o'Clock Tomorrow.

SATURDAY 24th February 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. His Honor Joseph Marsh Esq^r. Lt Gov^r. Hon^{ble} Timothy Brownson John Fassett Peter Olcott Thomas Murdock Samuel Fletcher Ebenezer Walbridge Jacob Bayley Jonathan Hunt John Strong & Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r. Sec^y. Jonas Galusha Esq^r. Sheriff.

An act Taxing Wardsborough one penny half penny on the acre was read and approved.

The petition of Elkanah Cobb having been read in the General Assembly & a Committee of three appointed thereon to join a Committee of Council viz^t Mr. Speaker [Gideon Olin,] Mr. Brigham, & Mr. Dewey, Resolved that Mr. Strong join said Committee.

An act to encourage the destroying of Wolves and Panthers was read and approved.¹

On a verbal Message from the Hon^{ble} General Assembly by a member, viz^t Mr. Dewey, requesting the Governor and Council to join in Grand Committee, to Take into consideration the report of a Committee appointed on Letters rec^d from his Excellency Governor Bowdoin of Massachusetts Bay requesting the aid of this State in apprehending certain Characters Insurgents of that State: The Council return for answer that they decline joining the Hon^{ble} Assembly in Grand Committee until the report of the above Committee from both Houses act on the report and send their determinations up to this Council for revision & proposals of amendment.² To the above determination in Council Refusing to join in Grand Committee, His Excellency the Governor Enters his dissent [dissent.] Also the Hon^{ble} John Fassett Esquire, Timothy Brownson Esq^r. & the Hon^{ble} E. Walbridge Esq^r.

On Motion for the determination of the dispute relative to Brownington, Resolved that it be referred to Tuesday next 10 o'Clock in the Morning and that the Hon^{ble} Ira Allen Esq^r. be requested to Attend.

¹ The premium was £3 for a full grown wolf or panther, and £2 for a suckling whelp.

² The correct reading doubtless was this:

The Council return for answer that they decline joining the Hon^{ble} Assembly in Grand Committee until the Assembly act on the report of the Committee from both houses and send their determination up to this Council for revision and proposals of amendment.

On motion of the Hon^{ble} Judge Robinson requesting the advice of Council relative to Calling of a Special Supreme Court for the Trial of Certain Criminals now in Goal, Resolved that His honor judge Robinson be advised to Call a Special Court for that purpose.

An act for summoning juries & directing Grand Jurors in their duty, was read and the following proposals of amendment proposed thereon, viz^t "And in case a Sufficient number of Grand and petit Jurors cannot (conveniently) be had to make up the pannals, [panels,] the Said Grand and petit Jurors shall be formed or made up in the Same manner as herein before directed in this act," to be Entered as Marked withon [within] said bill, and the following words Erased viz^t "*of the freeholders of the vicinity,*" as marked in the bill.

A petition Sign^d. Jonathan Hunt in behalf of himself and a number of the Inhabitants of Hinesdile [Hinsdale] was read, having been Committed by the General Assembly [to a committee] to join a Committee of Council viz^t Mr. Brownson, Mr. B. Brown, & Mr. Dewey, Resolved that Mr. Bayley join said Committee.

An act against Adultery, Poleamy [polygamy] and Fornication was read and the Council propose for amendment, that the time for prosecution named in the last clause be *three months* in Lien of *six months*.¹

On the motion of Mr. Tichenor on the Recommendation of the Hon^{ble} General Assembly to his Excellency the Governor to Issue his Proclamation for apprehending certain Charecters Insurgents in the Commonwealth of Massachusitts therein named, Resolved that the further consideration thereof be refered to some future Time.

Adjourned to 10 oClock Monday next.

MONDAY 26 February 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. Gov^r. His Honor Joseph Marsh Esqr. D. Gov^r. and the following Members of the Hon^{ble} Council viz^t Timothy Brownson John Fassett Peter Olcott Thomas Murdock Jacob Bayley Samuel Safford Samuel Fletcher Jonathan Hunt

¹ The Assembly agreed to the amendment. The penalty for a person convicted of adultery was as follows:

He, she, or they, shall be set upon the gallows, for the space of an hour, with a rope or ropes about his, her, or their neck or necks, and the other end cast over the gallows; and also shall be severely whipped on the naked body, not exceeding thirty-nine stripes; and shall, from the expiration of twenty-four hours after such conviction, during their abode in this State, wear a capital A of two inches long, and proportionable bigness, cut out in cloth of a contrary colour to their clothes, and sewed upon their upper garment, on the outside of their arm, or on their back, in open view. And if any person or persons, having been convicted and sentenced for such offence, shall, at any time, be found without their letter so worn, during their abode in this State, he or they shall, by warrant from any Justice of the Peace, be forthwith apprehended, and publicly whipped, not exceeding ten stripes; and so from time to time, *toties quoties*.

The same penalty was prescribed for polygamy. Fornication was made punishable by a fine not exceeding £4; and if the offender be unable to pay the fine, "he or she shall be assigned in service by the court before whom the conviction shall be had."

Ebenezer Walbridge John Strong And Isaac Tichenor, Esquires. Joseph Fay Esqr. *Secy*. Jonas Galusha Esqr. *Sheriff*.

Resolved that the Hon^{ble} John Fassett Esqr. Joseph Fay Esqr. & his Excellency Governor Chittenden be a Committee to make a draught of a Proclamation requested to be Issued by this Government by His Excellency Governor Bowdoin.

An act for the division of Counties in this State having passed the Gen^l. Assembly was read and approved.¹

A petition from a number of the Inhabitants of Castleton, remonstrating against the Inhabitants of a part of Ira being annexed to the Town of Castleton, was read, having been Committed by the House to Mr. Hall, Mr. Stevens, & Mr. B. Brown, to join a Committee of Council, Resolved that Mr. Murdock join said Committee.

Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

The Committee appointed to make a Draft for a Proclamation for apprehending or discountenancing Rebellion in the Common Wealth of Massachusetts made Report.

An act directing the form of passing Laws was read and approved.²

Resolved that Isaac Tichenor, Joseph Fay & John Strong Esqrs. be a Committee to amend the several drafts proposed for a Proclamation.

Adjourned to nine o'Clock Tomorrow.

TUESDAY 27th. Febr. 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. Govr. His Honor Joseph Marsh Esqr. Lt. Govr. And the following Members of the Hon^{ble} Council vizt. Timothy Brownson Samuel Safford Samuel Fletcher Peter Olcott Jacob Bayley John Fassett Thomas Murdock Ebenezer Walbridge Jonathan Hunt John Strong And Isaac Tichenor Esqrs. Joseph Fay Esqr. *Secy*. Jonas Galusha Esqr. *Sheriff*.

Letter to William Brush Esqr.

Sir—I am directed by His Excellency the Governor and Hon^{ble} Council to inform you that your letter of Resignation of your office as one of the side Judges in & for the County of Addison has been rec^d. and accepted, & that the Governor and Council return you their thanks for your Services in said office.

I am Sir Your Ob^t Hum^{ble} Servant.

JOSEPH FAY *Secy*.

A petition Signed Jacob Rhuback praying for Compensation for Losses & Services done this State, being read and a Committee appointed by

¹ The territory of Bennington, Windham, and Windsor counties was the same as at present; Rutland the same, with the addition of Orwell; and the remaining territory of the state was divided between Orange and Addison counties by the west lines of Granville, Roxbury, Northfield, Berlin, Montpelier, Calais, Woodbury, Hardwick, and Greensborough, and from the northwestern corner of Greensborough "in the most direct course on town lines to the north line of this state."

² This act is the same as that of Feb. 1784, *ante*, p. 33, with two exceptions: the Council could retain a House bill five days instead of three for amendment; and was also authorized to *suspend the passage of House bills* on a disagreement of the two houses as to amendments. These changes corresponded with the amended constitution of 1786.

the General Assembly to join a Committee of Council viz^t Mr. Parkhurst, Mr. Mott, and Mr. Wells, Resolved that Mr. Fletcher join the above Committee.

An act Enabling General Roger Enos to Shut up a Certain Road therein mentioned, [through his farm.] having [passed] the General Assembly was read and Concurred.

Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

Agreeable to assignment the dispute relative to the Establishment of Brownington was Taken up and a hearing Granted to the Hon^{ble} Judge Robinson and Ira Allen Esquires, and on motion of Colonel Allen. Resolved to postpone the further Consideration until Tomorrow 2 o'Clock.

An act to prevent the Spreading of the Small Pox having passed the General Assembly was read & Concurred.¹

An act for restraining swine from running at Large having been returned from the General Assembly Refusing to pass the Same with the proposals of amendment made by the Council, the said act being read a Second time was approved.

An act suspending the collecting of a Tax Granted by the Governor and Council of £26 7 9 for defraying the charge of Surveying to the Township of Williams Town, being read was approved.

An act Enabling Committees [communities] to Sue for and defend their Rights Estates & Interest was read and approved.²

An act relating to Witnesses & taking affidavits out of Court was read & the following amendments proposed viz^t that the words *Twenty* as marked within on said bill be Erased, and the Word *thirty* be added in Lieu thereof and that the Words "out of this State" be Erased.

An act against High Treason and Misprison [misprision] of Treason was read & approved.³

An act for preventing & punishing Riots &c. was read and approved.

An act for the punishment of Gaming being returned from the House refusing to agree to the amendment [of Council.] on the question being put wheather the Council agree to the bill without the amendment, it passed in the Negative. Resolved that Judge Strong be requested to wait on the Hon^{ble} General Assembly with further proposals of amendment.

An act Regulating Mills and Millers being Returned from the House refusing to agree to the proposals of amendment made by the Council, Resolved that said bill be approv'd as it Stood without amendment.

Adjourned to 9 o'Clock Tomorrow.

¹ This bill made it the duty of the selectmen to attend to cases of this disease, provide medical assistance, and guard against danger to the uninfected. Jenner's treatise on vaccination was not written until 1798.

² The word communities embraced "every town, district, society, trustees for schools, proprietors of common or undivided lands, grants, and other estates and interests, and all other lawful societies or communities whatsoever."

³ The penalty for treason against the state was death; and for misprision of treason, a fine in the discretion of the court, and imprisonment not exceeding ten years.

IN COUNCIL BENNINGTON Wednesday 28 Feb^r. 1787.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esq^r. His Honor Joseph Marsh Esq^r. Lt^t Gov^r. and the following Members of the Hon^{ble} Council viz. Timothy Brownson John Fassett Peter Olcott Thomas Murdock Jacob Bayley Samuel Fletcher Samuel Safford Ebenezer Walbridge Jonathan Hunt John Strong & Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r. Sec^y. Jonas Galusha Esq^r. Sheriff.

An act for Limitation of actions and the following amendment proposed viz^t as mentioned on the bill.¹

An act Granting a new Tryal to John Harwood was read and approved.

An act directing and Regulating the Levying and Serving of Executions was read and ordered that Judge Strong return the bill to the House with proposals of amendment.

Adjourned to 2 o'clock P: M.

Met according to Adjournment, And Adjourned to 9 o'clock Tomorrow.

THURSDAY 1^t March 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. His honor Joseph Marsh Esq^r. Lt^t Gov^r. and the following Members of the Hon^{ble} Council viz^t Timothy Brownson John Fassett Peter Olcott Thomas Murdock Jacob Bayley Samuel Fletcher Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r. Sec^y. Jonas Galusha Esq^r. Sh^{ff}.

Agreeable to the order of the day, the Governor Council & General Assembly Proceeded to the choice of Brigadier Generals for the first, third, fourth, fifth & Sixth Brigades. The Ballots being Taken the following persons was [were] declared to be duly choosen—viz^t

Colonel Ebenezer Walbridge	1 ^t Brigade.
Colonel Benjamin Wait	3 ^d Do.
Colonel Isaac Clark	4 Do.
Col ^o . Israel Morey	5 Do.
Col ^o . John Strong	6 Do.

Attest, JOSEPH FAY, Sec^y.²

¹ The record is imperfect. A bill of this purport passed the Assembly a week later.

² From the *Assembly Journal*, Feb. 28 1787:

His Excellency the Captain General laid before the House his General orders of yesterday dividing the State into Divisions, Brigades & regiments, &c.* which was read—and his Excellency the Governor & Council having joined the House & on motion made to choose Major Generals—the ballots being taken for a Major General of the 1st Division of this State, General Roger Enos was Elected. The ballots being taken for a Major General of the Second Division, General Samuel Safford was Elected.

Ordered, that the members of Council & Assembly belonging to each Brigade where there is no Brigadier nominate a Brigadier General of

*Two divisions, six brigades, and fourteen regiments.—See *Vermont Gazette* of March 5 1787.

On Motion Resolved that Mr. Brownson & Mr. Fasset wait on the General Assembly with a proposal of Altering the Proclamation Resolved upon by the House to be published, for Apprehending Daniel Shays, Luke Day, & other Insurgents of the Commonwealth of Massachusetts. —[The House refused to amend.]

Resolved that Ira Allen Esq^r. Surveyor General be & he is hereby directed to pay to Bliss Willoughby thirty-two pounds, thirteen shillings & Two pence agreeable to s^d. Willoughby's bill this day Exhibitted and payment ordered on the back of said bill.

£32 13 2.

Attest, JOS. FAY Secy.

On Motion of the Hon^{ble} Judge Robinson in behalf of Daniel and Timothy Brown Esq^{rs}. for a determination in the dispute Subsisting and now before the Council between said Brown and the Hon^{ble} Ira Allen Esq^r. Relative to the Grant of the Town of Brownington, the question on the motion of Mr. Tichenor was put wheather the General Assembly had a right to Grant s^d. Gore in preference to pitching the flying Grants, which passed in the affirmative. The question then being put wheather a charter of Incorporation be Issued for the Township of Brownington it passed in the affirmative.

Copy Given.

Attest, JOSEPH FAY Secy.

On the petition of Samuel Sherman a Criminal under the Sentence of the Hon^{ble} Supreme Court to be Cropped, [cropt,]¹ Branded, and Imprisoned for Life, Resolved that the Execution of said Sentence be postponed until Tomorrow 2 oClock P. M.

Adjourned to 2 oClock P. M.

Met according to Adjournment.

An act laying a Tax of two pence on the acre in the Towns of Middlebury & Salisbury was read, on which bills the Council propose as an amendment, that the Tax on the Town of Salisbury be omitted on acct of the quantity of Land not being yet ascertained in said Township.

The Hon^{ble} John Strong moved for Leave to Retire from Council on acct of Attending the Court for the County of Addison. Ordered that he have Leave to Retire agreeable to his request.

The Hon^{ble} Thomas Porter Esq^r. arrived and Took his Seat in Council.

An act for Supporting Ministers of the Gospel was read and Recommended to be laid over to the next session of Assembly.

On the question wheather the Council advice [advise] his Excellency to publish the Proclamation Resolved on by the Hon^{ble} General Assembly for apprehending certain characters therein named, Insurgents in the Commonwealth of Massachusetts, the yeas and nays, being Taken on motion of Mr. Tichnor, are as follows: Yeas—Mr. Marsh² Mr. Tichnor Mr. Walbridge Mr. Bayley Mr. Hunt Mr. Safford Mr. Porter & Mr. Olcott. Nays—Mr. Fletcher Mr. Murdock Mr. Fasset & Mr. Brownson.

So it passed in the affirmative, therefore Resolved that the Governor be and he is hereby advised by the Council to publish said Proclama-

such brigade & make report tomorrow morning—and that tomorrow morning be assigned for the Governor, Council & Assembly to elect Brigadiers General.

Samuel Fletcher was at the time General of the second brigade.

¹ Cropping, or cutting off an ear. was one of the penalties for counterfeiting prescribed by statute.

² Lieutenant Governor acting as Councillor, the Governor being present.

tion in the Vermont Newspapers; to the above determination His Excellency Enters his Decent [dissent.]

Adjourned to 9 o'clock Tomorrow.

FRIDAY 2^d March 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Hon^{ble} Joseph Marsh Esq^r. Lt. Gov^r. Timothy Brownson Samuel Fletcher John Fassett Thomas Murdock Peter Olcott Jacob Bayley Samuel Safford Thomas Porter Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r. Sec^y. Jonas Galusha Esq^r. Sheriff.

The Governor & Council agreeable to the order of yesterday took under consideration the Determination of the order of Location, Granted to Andrus, Holbrook & others for six Townships. On motion of Mr. Olcott the question was put wheather the preference be granted to the aforesaid Andrus, Holbrook & others, or their agents (before the laying the flying Grants) to the Vacant Lands bounding west of Averil North of the Lands Granted by this State & South of the Province Line, being a Gore as appears on the Surveyor Generals Plan; it passed in the affirmative.

Attest, JOSEPH FAY, Sec^y.

Agreeable to the order of yesterday the Council took under consideration the petition of Samuel Sherman, a Criminal under Sentence of the Supreme Court, to be Cropt [cropt.] Branded & to be confined for Life &c. Having considered the Prayer of said petition, Resolved that so much of the aforesaid punishment be remitted that he be released from being *Cropted*, [cropt.] The other part of the Sentence of the Hon^{ble} Supreme Court to be Executed this day between the Hours of 2 & 3 o'clock P. M. agreeable to the Sentence of the Court.

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

An act to Lay a Tax of 2^d. on the acre of Land in the Town of Middlebury was read & approved.

On the petition of Thomas Miller being read having been before the General Assembly & Mr. Burt, Mr. Wells & Mr. Cook being appointed to join a Committee of Council to Take said petition with the remonstrance against Granting the prayer thereof, Resolved that Mr. Olcott join said Committee for the purposes aforesaid.

On application to this Council by Mr. Timothy Phelps, requesting that Jonathan Hunt Esq^r. be directed to Diliver up a certain Note of Hand given him by Charles Phelps Jur. to the amount of About £7 for Goods of said Timothy Phelps sold by said Hunt for the use of the State in 1783, Resolved that said Hunt be & he is hereby directed to Diliver up said Note to the said Timothy Phelps, Taking Rec^t therefor.

A petition signed Gershom Beach, praying for Relief, relating to an Obligation given in behalf of the Inhabitants of the Town of Rutland, having been before the House & Mr. Brownson, Mr. Goodrich & Mr. Bridgeman being appointed a Committee to join a Committee of Council, Resolved that Mr. Safford join said Committee.¹

A petition signed Jehro Jackson was read having been laid before the General Assembly and Mr. Bridgeman, Mr. B. Burt, and Mr. Shelden,

¹ Mr. Beach's claim was for £49 8 4, alleged to have been paid by him as the proportion of Rutland for the expense of the mission of John Breakenridge and Jehial Hawley to England in 1772-3, in behalf of the claimants under New Hampshire grants.

appointed a Committee to join a Committee of Council, Resolved that Mr. Murdock join said Committee.

A petition Signed Benjamin Warner praying for Confirmation of a Deed which is lost, Executed to him by Mr. [Ephraim] Cowen, was read & Resolved, that Mr. Porter join a Committee from the House thereon, & also to join a Committee on the Petition of John Rugg.

A petition Signed John Kelly praying for confirmation of Land was read having been committed by the House to Mr. Brownson, Mr. Brigham, Mr. Marvin, Mr. Butterfield, Mr. Bridgeman, and Mr. Bliss, to join a Committee from the Council, Resolved that Mr. Tichenor, Mr. Hunt, & Mr. Walbridge join said Committee.

An Act Establishing the Constitution of Vermont was read and Concurred.¹

An Act for Marking & Branding Sheep and Cattle was read [and] Concurred.

An Act Regulating Waits [weights] & Measures was read and Concurred.

An Act for the punishment of Divers [capital] and other Felonies was read & concurred.

A petition preferred to this Council by Stephen R. Bradley & Noah Smith Esqrs. and others was read, and Mr. Tichenor, Mr. Walbridge & Mr. Safford appointed thereon to join a Committee of Assembly to Take the same under Consideration State facts and make Report.

An act for the Punishment of Trespasses was read and approved.

Adjourned to 9 o'Clock Tomorrow.

¹This act declared that the constitution "as revised and established by Convention held at Manchester in June one thousand seven hundred and eighty-six, subject to such alterations and additions as shall be made agreeably to the XLth Section in the Plan of Government, shall be forever considered, held and maintained, as part of the laws of this State." The act also provided that "subjects of the United States of America, shall, within this Commonwealth, be equally entitled to the privileges of law and justice with the citizens of this State," "and that without partiality and delay"; and that no man's person shall be restrained or imprisoned unless by authority of law.

The constitution had not only been amended by the Convention of the preceding June, but redrafted, and was then to be printed with the revised statutes of 1787. As the first constitution had been "established" by legislative statutes in 1779 and 1782, so in 1787 it was deemed prudent to "establish" the amended constitution in the same way, as a part of the laws of the state. The opinion still prevailed that the Legislature was sovereign: "no idea was entertained," said Daniel Chipman, "that an act of the legislature, however repugnant to the constitution, could be adjudged void or set aside by the judiciary."—See Chipman's *Memoirs of Chittenden*, pp. 100-113. Its right to *establish* the constitution of course would not be questioned. The original and the amended constitution both having been adopted by the representatives of the several towns in Conventions, and confirmed by the representatives of the same towns in the General Assembly, these instruments were sanctioned by the two highest authorities then recognized by the people.—See *Vt. Hist. Soc. Collections*, Vol. II, pp. 277-279, 429, 448, notes.

BENNINGTON 3^d March 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. His Honor Joseph Marsh Esq^r. And the following Members of the Hon^{ble} Council, Timothy Brownson Samuel Fletcher Peter Olcott Thomas Murdock Jacob Bayley Samuel Safford Thomas Porter Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. Jonas Galusha Sheriff.

An Act for Laying a Tax of one penny on the acre on all the land in the Town of Rockingham was read & approved.

An Act for laying a Tax of one penny on the acre on all the land in the Town of Chester for building a Town House was read and Concurred.

An Act Impowering Jacob Galusha Adm^r. on the Estate of Elijah Galusha Dec^d. to Deed a Right of Land, was read and Concurred.

An Act for Abatement of Taxes was read and Concurred.

A petition Signed Peleg Sunderland was read and Referred to the Committee appointed on Warners & Ruggs Petition.

An Act Relating to Witnesses & Taking affidavits out of Court was Read and approved, omitting the word *thirty* in Lieu of 20 miles proposed as an amendment on said bill.

Hon^{ble} John Fassett Esq^r. left the Council to return home.

An act Granting a New Tryal in the case of Cobb vs. Loomis was read & Concurred.

An Act for Partation [partition] of Lands was read and Concurred.

An Act adopting the Common and Stattute Laws of Great Britain was read & Concurred.¹

An Act Relating to auditors and actions of accounts was read & Concurred.

An Act for the prevention of Frauds and perjuries was read and Concurred.

An Act for Electing Governor &c. was read and Concurred.²

An act for Transferring the Treasury was read and Concurred.

The yeas and nays being Called for by Mr. Brownson they are as follows: *Yeas*—Mr. Walbridge Mr. Safford Mr. Bayley Mr. Marsh Mr. Moredock & Mr. Hunt. *Nays*—Mr. Fletcher Mr. Olcott & Mr. Brownson.

To the above determination His Excellency the Governor Enters his decent [dissent.]

On a bill from the House appointing a Committee of three to join a Committee of Council to enquire into the petition [position] of the Grants of Land that have been heretofore made by this Assembly & report a Stating of the Same, and also to Enquire what Charters have been Issued, & what Towns that have been Granted that are not Chartered, And also to report their Opinion respecting Issuing Charters according to the Priority of the Grants, the members choosen, Mr. Dewey, Mr.

¹ This act adopted so much of the common law of England, and also so much of the statutes of Great Britain, enacted previous to October 1 1760, in explanation of the common law, as was not repugnant to the constitution or any statute of this State.

² Election of State officers, Councillors, and town Representatives. A remarkable feature of this act was, that every *freeholder* was made a freeman; whereas the constitution provided that "*every man*," &c. "shall be entitled to all the privileges of a freeman of this State."

Goodrich, & Captain Ward, Resolved that Mr. Bayley, Mr. Safford & Mr. Walbridge join the Above Committee.

Whereas the Townships Granted by this State lying westerly of Wenlock & Ferdinand viz^t N^o 31 on the plan Granted to Elihu Marvin & Company, N^o 32 Granted to Commodore Whipple & Company, N^o 33, Granted Jedediah Elderkin & Co. & N^o 34 & N^o 43, have fallen in very inconvenient shape, and are thrown partly across Canada Line & Lake Memphramagog, therefore Resolved that the Surveyor General be requested to Call on the proprietors of said Townships who have Taken out charters to see if they will give up such Charters, and Take out others, nearly on the same Land in more convenient form.

Attest, JOSEPH FAY, Secy.

Adjourned to 9 o'clock Monday next.

MONDAY, 5th March 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. His Honor Joseph Marsh Esqr. & The Hon^{ble} Timothy [Brownson] Samuel Safford Peter Olcott Thomas Murdock Jacob Bayley Ebenezer Walbridge Samuel Fletcher Jonathan Hunt & Isaac Tichenor Esqrs. Joseph Fay Secy. Jonas Galusha Sheriff.

A petition Signed Joseph Marsh, praying for a Grant of a Township of Land, was read having been read in General Assembly, and Mr. Dewey, Mr. Goodrich & Captain Ward appointed to join a Committee of Council. Resolved that Mr. Bayley, Mr. Safford, & Mr. Walbridge join said Committee.

IN GENERAL ASSEMBLY, 5th March 1787.

Resolved that the second Wednesday in April next be Observed as a day of Public Fasting within this State, and that His Excellency the Governor be requested to Issue his Proclamation for the due Observance thereof.

Extract from the minutes.

MICAH TOWNSEND Secy.

An Act pointing out the office & Duty of the Secretary of State was read & sent back to the House with proposals of amendment.

Resolved that Mr. Olcott and Mr. Tichenor be a Committee to make a Draft of a bill for Limitting the Time for Recording Deeds.

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

An Act discharging Abel Spencer from his Debts was read & sent back to the House with proposals [of] amendment viz^t that his body only be exempted in said bill.

The following bounds was proposed by Ira Allen Esqr. viz^t

Jacksons Gore was Granted February 23^d. 1781, and for want of Charter, Actual Surveys &c., it is not in my Power to Attest Bounds, But Submit the following bounds for the Perusal of your Excellency & Council, viz^t Bounding on the East Side of Wallingford, North on Shrewsbury, East on Ludlow, Extending Southerly in the Gore between the Towns Granted by New Hampshire so far that a line Extended East five degrees south a Crost said Gore will Contain Nine thousand Seven hundred acres of Land and no more. I am your Humble Servant,

IRA ALLEN.

Bennington March 5 1787.

To His Excellency Thomas Chittenden Esqr.

Resolved that the Secy. of Council be and he is hereby directed to Issue a Charter of Incorporation to Abraham Jackson Esqr. & Com^y.

agreeable to the aforesaid bounds proposed by the Surveyor General, & that said bounds be Entered on the minutes of Council.

Attest, JOSEPH FAY Secy.

His Honor Governor Marsh Obtained Leave (yesterday) of Absence during the present Session.

A memorial from the Hon^{ble} Doctr. Arnold was rec^d on file, having been read in Council.

An Act to Enable Gershom Beach to Collect forty nine pounds 8^s 4^d of the Treasurer of the County [town] of Rutland was read and Concurred.

An Act directing the form of Writts was rec^d read & returned to the House by M^r. Tichenor with proposals of amendment.

Adjourned to 8 o'clock Tomorrow.

TUESDAY 6th March 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. And the following Members of the Hon^{ble} Council, Timothy Brownson Samuel Fletcher Peter Olcott Thomas Murdock Thomas Porter Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esqrs. Joseph Fay Secy. Jonas Galusha Sheriff.

An Act for the appointment and Regulating Attorneys and pleadings at the Barr was Read and Concurred.

An Act to make certain Articles of personal property a Tender on Execution in cases therein mentioned was read & Concurred.¹

The Governor & Council having Considered the memorial of the Hon^{ble} Jonathan Arnold praying for the suspending of the payment of part of the Granting fees of the Township of *St. Johnsbury* until the 1st day of November next and that the Charter of said Township be Granted as specified therein and that the Name be *St. Johnsbury*,

Resolved that the prayers thereof be Granted as set forth in said Memorial Except the one half of said fees which is to be paid in State Security in June Next Agreeable to the former time Limited.

Attest, JOSEPH FAY Secy.

An Act of Insolvency in favour of Abel Spencer was read & Concurred.

An Act for the Settlement of Testate and Intestate Estates was read and Concurred.

An Act Authenticating Deeds was read and Concurred.

An Act for maintaining Stocks, Sign Posts & Pounds in this State was read and Concurred.²

¹ Neat cattle, beef, pork, sheep, wheat, rye, and Indian corn were made a lawful tender if turned out by the debtor on execution. The property was to be appraised at the place of payment specified by the contract; or, if no place was specified, at the sign-post in the town where the plaintiff lived, if in the state; or at the sign-post in the town where the property was taken, in case the plaintiff resided out of the state.

² The stocks for the punishment of offenders, and the sign-post for publishing official notices and warrants, and appraising property turned out on execution, were to be "erected in the most public place in each respective town."

An Act directing the forms of Writts was read and Concurred.

The following Resolve of the General Assembly was rec^d. & Read—vizt:

IN GENERAL ASSEMBLY March 5 1787.

Resolved that this Assembly will Grant to the Hon^{ble} Jonathan Hunt Esqr. & his associates being sixty four in Number a Township of six miles Square, or Lands equal in quantity, for such fees and under such restrictions & Reservations as His Excellency the Governor & the Hon^{ble} the Council shall think proper, as soon as the Surveyor General shall be satisfied that there is a sufficient quantity of unlocated Lands not heretofore Granted & which shall not be wanted to make up the deficiency of Grants previously made by this State.

Extract from the Minutes.

MICAH TOWNSEND Secy.

An Act for appointing & Supporting Schools &c. was read & Concurred.¹

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

An Act regulating Fishery^s was read and Concurred.

An Act relating to bills of Divorce was read and Concurred.

On motion of the Hon^{ble} Jacob Bayley Requesting that similar Indulgence be granted the proprietors of *Danvillee* as is Granted to the Hon^{ble} Jonathan Arnold Esqr. as set forth in his Memorial to the Governor & Council this day considered, in every particular. Therefore Resolved that the proprietors of said *Danvillee* be under the same Advantage as is Granted to the proprietors of *St. Johnsbury* Excepting that said Proprietors of *Danvillee* shall pay on or before the first day of June Next Twenty Six Pounds L. Money in Silver for the payment of certain Exigences of the State for Money^s Borrow^d. at Philadelphia by our Agents at Congress; on the fulfilment of which payment the aforesaid Resolve to be in force and not otherwise.²

¹ The towns were to fix the school-districts; and each district was to appoint one person, who, with the selectmen, were to be trustees of schools within the town. with power to employ and remove teachers, lease lands and real estate, loan money, and bring suits for the recovery of money, land, or other estate, for the benefit of the schools. The judges of the county court were authorized to appoint trustees with like powers for county schools.

² Oct. 28 1787, Jacob Bayley of Newbury, a member of the Vermont Council, wrote to Gov. Clinton of New York, asking pay for his "Sufferings in behalf of New York." He wrote to Clinton in these words: "Your land in Newbury is saft—have secured Hillsborough [part of Danville.] all others on the York Grant is gone or at least granted by this State if I could have had a plan or Map of your Claim I might have saved some John Kelly has a grant of St. George and says it is all his I wish to know and have the Bound sent." It is stated in H. Hall's *Early History*, p. 459. that Gov. Clinton claimed land in Cavendish under a New York grant, but to what extent he was a claimant was not known. The above letter of Gen. Bayley proves that Gov. Clinton was a claimant in Newbury, and the allusion to Hillsborough permits the inference that he was a claimant in that territory also. The New York grant of

An Act concerning Strays & lost Goods was read and approved.

An Act giving remedy against Tenents in Common was read and approved.

A petition signed by a number of the Inhabitants of the County of Bennington, relative to said Counties being Taxed for building a Court House and Goal in the Town of Bennington Mr. B. Brown, Mr. Emmons, and Mr. Bridgeman being appointed a Committee from the House to join a Committee of Council. Resolved that Mr. Hunt & Mr. Olcott join said Committee.

An Act to restrain the Taking of excessive usury was read & Concurred.

An Act Appointing County Surveyors was read and Concurred.

Adjourned to 8 o'Clock Tomorrow.

BENNINGTON 7 March 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. and the following members of the Hon^{ble} Council viz^t Timothy Brownson Samuel Fletcher Jacob Bayley Thomas Porter Thomas Murdock Peter Olcott Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. Jonas Galusha Sherif^f.

IN GENERAL ASSEMBLY Feb^y. 26 1787.

The Members of Addison County Nominated Mr. Elijah Foot of N. Haven, Caleb Smith of Shelburn & Ira Allen Esq^r. of Colchester for Justices of the Peace who were appointed to that office.

Extract from the Minutes.

MICAH TOWNSEND Sec^y.

Copy Attest JOS. FAY Sec^y.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

An Act against Counterfeiting and passing bills of public Credit &c. was read and Concurred.¹

Hillsborough covered about one half of the present town of Danville, which was chartered by Vermont to Bayley and associates, Oct. 31 1786. Gov. Clinton's name does not appear in the list of persons who were compensated for land out of the Vermont fund; hence he either disposed of his claim to others or forbore to make it known, lest he might be charged with a pecuniary interest in his persistent hostility to the independence of Vermont. The St. George, granted to John Kelly, was not the present town of that name, but Lowell—first name Kellyvale. Gen. Bayley's letter, above quoted, is No. 5909 of the *Clinton Papers*, now in the New York State Library.

¹ The penalties for forging, counterfeiting, or altering a bill of credit of any State, or of the United States, or of the bank of North America, were these:

Every person or persons so offending, being convicted thereof before the Supreme Court of this State, shall be punished by having his right ear cut off, and shall be branded with the capital letter C on a hot iron, and be committed to any gaol or house of correction, there to be confined and kept to work under the care of a master, and not to depart therefrom without special leave from the Assembly of this State, until

An Act Granting a New Tryal in the case of Thomas Jincks vrs. David Hinds was read & concurred.

An Act Limitting the Time of Holding County offices was read and approved.

An order given Jonas Galusha Esqr. Sheriff for distributing Proclamations &c. for £7 5 0 by order of Council. JOSEPH FAY, Secy.

Adjourned to 8 o'Clock Tomorrow.

[BENNINGTON, March 8 1787.]

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr and the following Members of the Hon^{ble} Council viz^t Timothy Brownson Peter Olcott Thomas Murdock Samuel Fletcher Jacob Bayley Samuel Safford Ebenzer Walbridge Thomas Porter Jonathan Hunt & Isaac Tichenor Esqr. Joseph Fay Esqr Secy. Jonas Galusha Esqr Sheriff.

The Governor & Council having Taken under consideration the petition of a number of the Inhabitants of the County of Windsor praying for Remission of Fines Imposed on them by the Hon^{ble} Supreme Court in November last, whereupon Resolved that the further Consideration of said petition be postponed until the next October Session, & that the Collection of said fines be suspended until that Time.

The Hon^{ble} Thomas Murdock on Motion obtained Leave of Absence during the present Session.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

An Act directing the listers in their office and duty was read & Returned to the House by Mr. Tichenor with proposals of Amendment.

An Act laying a Tax on the Town of Leicester of one penny p^r acre, was read and returned to the House with proposals of amendment.

An Act directing the mode for collecting Taxes or Rates was read & Concurred.

An Act Regulating Proprietors Meetings was read and ordered to be returned to the House by Mr. Tichenor to Explain the proposals of amendment.

An Act defining the Powers of the Supreme & County Courts, was read & Returned by Mr. Tichenor with proposals of amendment.

An act for the Punishment of Defamation was read & Concurred.¹

the day of his, her or their death; under the penalty of being severely whipped by order of any Court or Justice, and thereupon to be returned to his former confinement and labour; and all the estate of any person offending as aforesaid, shall be forfeited to this State, and may be accordingly seized for that purpose, by order of the Court before whom such offender is convicted.

¹ AN ACT for the punishment of Defamation:

Whereas defaming the civil authority of the State greatly tends to bring the same into contempt, and enervate the government. for the prevention whereof,

Be it enacted, &c. That whosoever shall defame any Court of justice, or any sentence or proceedings thereof, or any of the magistrates, Judges or Justices of any such Court, in respect of any act or Sentence therein passed, and be thereof legally convicted before the Supreme Court in this State, shall be punished for the same by fine, imprisonment,

An Act of Retaliation, or Making all articles of Specie a [a special] Tender in this State that is in other States as expressed therein was read and Concurred.¹

An Act to prevent falling Trees into Creeks and Rivers, was read and Concurred.

An act directing what money shall be a Legal Tender or Currency in this State, [and at what rate the same shall pass,] was read and Concurred.²

An Act for Laying out Highways was read and Concurred.

Adjourned to 8 o'clock Tomorrow.

FRIDAY 9th. March 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. & the Hon^{ble} Timothy Brownson Samuel Fletcher Peter Olcott Thomas Porter Samuel Safford Jacob Bayley Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. Jonas Galusha Sheriff.

An Act Regulating Civil Actions was read and Concurred with the amendments sent back on the bill.

An Act Regulating Proprietors Meetings was read and returned with proposals of amendment by Mr. Tichenor.

An Act Providing for and ordering Transient. Idle, impotent, & poor persons, was read & Concurred.

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

An Act for Levying a Tax of one penny half penny on the acre of Land in the Township of Redding [Reading] was read and Concurred.

An Act directing the Sale of States Land in Londonderry was read & Concurred.

disfranchisement, or banishment, as the quality and measure of the offence, in the opinion of the Court before which the trial is had, shall deserve.

In 1788 this act seems to have been so construed as to apply to defamation of the General Assembly. Oct. 16 1788, Joshua Tracy Esq. of Orwell was arrested and brought to the bar of the House for this offence, when the sheriff was ordered to take him before a magistrate, and Hon. Noah Smith, then State's attorney, was requested "to attend to see that he be proceeded against according to law." On the next day, Tracy was discharged, "he having made satisfaction to the House for his insult against them."—Printed *Assembly Journal* of 1788, pp. 19, 21.

¹ The title was, "An act to place the subjects of the United States upon the same footing in suits at law in which the subjects of this Commonwealth are put by their respective laws."

² All genuine coined gold, silver, and copper; gold of the fineness of a half-johannes at the rate of five shillings and four pence a penny weight; Spanish milled silver dollar weighing seventeen pennyweights at six shillings, and other silver coins in proportion; and coppers, weighing three to the ounce, at two pence.

An act for the disposal of Fines & penalties &c. was read and Concurred.

An Act to Compel the fulfilment of Contracts [according to the intent of the parties] was read and Concurred.

An Act Establishing post offices was read and Concurred.¹

An Act for the due observance of the Lords day was read and concurred.

An Act for mending and Laying out Highways was read and approved.

An Act directing Town Clerks in their office and duty was read & concurred.

An Act Laying a Tax of one penny on each acre of Land in Glossenbury [Glastenbury] was read and Concurred.

An Act pointing out the office and duty of Sheriffs was read and Approved.

An Act laying a Tax of one penny half penny on each acre of Land in the Township of Jamaca was read and returned proposing that the Tax be only one penny.

An Act Regulating Goals and Goalers was read and Concurred.

An Act for assessing fees on Lands Granted was read & returned with proposals of amendment.

An Act for Limitation of Actions was read and concurred.

An Act pointing out the office and Duty of Secretary of State being debated in Grand Committee, Resolved that the further consideration of said bill be suspended until the next Session of Assembly.

Adjourned to 7 o'Clock Tomorrow.

SATURDAY 10th. March 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r the Hon^{ble} Timothy Brownson Samuel Safford Thomas Porter Jacob Bayley Peter Olcott Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Secy. Jonas Galusha Sheriff.

An order given to L^t. Jonathan Robinson for £4 4 0 for his Service as Committee of pay Table.

An order drawn in favour of Col^o. Timothy Brownson for £4 17 8 for his services as Committee of pay Table.

An Act Impowering the Widow Sarah Fay to Sell part of the real Estate of Benjamin Fay Esq^r Dec^d. for payment of Debts &c. was read and Concurred.

An Act relating to Committees of Safety, and Commissioners of Sequestration, was Read, having originated in Council was sent to the Honorable General Assembly to be passed into a Law.

An Act for Regulating Tavern keepers was read & Concurred.²

¹ By this act, post-offices were established at Bennington, Rutland, Brattleborough, Windsor, and Newbury.

² The county court was empowered to license persons as inn-keepers who had been nominated by magistrates, selectmen, constables, and grand jurors of the town; or in their discretion to refuse to license if too many or unfit persons were nominated. Each inn-keeper was required to give a bond in the sum of £30, and to pay a fee not exceeding £10 per annum. The names of tavern haunTERS were to be posted at the door of every inn in town, and inn-keepers were prohibited from enter-

An Act Granting a Land Tax on Land in Halifax was read and Concurred.

An Act Impowering the Sale of part of the real Estate of Airea [Ara] Rose Deceased, was Read & Concurred.

An Act Repealing the Laws of this State was read & concurred.¹

The Governor and Council having Taken into consideration the petition of Captain John Stevens, Joseph Randel and Others in behalf of a number of the Inhabitants of Rutland County, praying for Remission of Fines imposed on them by the County Court in & for the County of Rutland in November last, Resolved that the Collection of said fines be and they are hereby suspended until the next Session of Assembly in October next.

Attest. JOSEPH FAY Secy.

An order Granted to Hough & Spooner for £33 10 L. Money for printing Laws &c.

An act Natrualizing [naturalizing] St^t John De Creaveeur [Crevecoeur] and His three Sons was read and Concurred.

Jonas Galusha Esqr. Sheriff in and for the County of Bennington having resigned his office as Sheriff, Resolved that his Resignation be accepted.

On Motion the Ballots was Called for the appointment of Sheriff in and for the County of Bennington when Captain David Robinson was declared to be duly chosen.

Resolved that the Honorable General [Ethan] Allen be requested to Write to the Hon^{ble} St^t John [de Crevecoeur,] late Consul of France, in answer to his Letters; Inclosing a Copy of the Act Natrulizing him & his three Sons Citizens of this State, and inform him that this Council Entertain a high Sense of his Generosity in the offers made in his letters of furnishing a State Seal &c.—And assure him of the rediness of this State to serve him and his friends, And to perpetuate the names of the noble Patriots of France to the latest Posterity Agreeably to his request in the aforesaid Letters, And that he be informed of the Names already given to Cities & Towns in this State, & that a return will be made of the General Survey to Enable him to Complete a Map as soon as the Surveys can be Completed.

On Motion of His Excellency for appointing the Secretary of Council and one or more members of Council in Bennington to be vested with the Power of Drawing on the Treasurer orders on the hard money Taxes for Exigences of Government, Resolved that Joseph Fay Esqr. with the Hon^{ble} Samuel Safford & Isaac Tichenor Esquires or either of them, be and they are hereby Vested with Power to Draw hard money orders on the Treasurer for such sums as shall be found necessary for the Exigences of Government until the next October Session.

On Motion of the Hon^{ble} Ira Allen Esqr. Representing that the lines of Topsham were found Wrong as given by the General Assembly, on

taining them, or furnishing liquor to them, on a penalty of ten shillings for every offence. If inn-keepers failed to observe the laws, or keep due order in their houses, their bonds were to be forfeited, with costs. Any person who sold less than one quart of intoxicating liquor without a license was subject to a penalty of £3 for the first offence, £6 for the second, and so on doubling the penalty for each repetition; and if unable to pay fines and cost and give a bond for good behavior, on a second conviction such person might be assigned to service to pay fines and costs, or be imprisoned.

¹ All Acts superseded by the revised statutes of 1787 were repealed.

Examination [of] the charters, which interferes with the Towns of Orange and Wildersburgh [Barre,] Resolved that the Surveyor General be and he is hereby impowered to make such alterations as shall be found right agreeable to their respective charters.

Resolved that all such proprietors who have lands Granted and not chartered in this State, shall on furnishing provisions & other necessarys to the Surveyor General for surveying the same, be intitled to their charters according to the Priority of their Grants, and all such proprietors are requested to Take Notice hereof and furnish the aforesaid Necessaries to the Surveyor General, who is ready to Attend on the business.

An Act to prolong the time of Redemption [redemption] for Certain lands therein mentioned, having been laid before the Gen^l Assembly and dismissed, Resolved that said bill be Lodged with the Secretary on the files, and laid before the House in October next.

END OF THE SESSION HELD AT BENNINGTON IN FEBRUARY &
MARCH 1787.

Attest, JOSEPH FAY Secy.

BENNINGTON, 26 March 1787.

The following are orders drawn on the Treasurer by the Hon^{ble} Samuel Safford Isaac Tichenor and Joseph Fay Esquires in the recess of the General Assembly to answer the Exigences of the State.

An order drawn on the Treasurer in favour of M^{essrs}. Haswel and Russel for Printing for thirty pounds.¹

£30 9 0 ¹	Sign ^d .	ISAAC TICHENOR	} By order of the Gov ^r . and Council.
		JOSEPH FAY	

APRIL 14 1787.

An order drawn on the Treasurer in favour of M^{rs}. Haswel & Russell for Twelve pounds.

£12 0 0

MAY 7th 1787.

An order drawn on the Treasurer in favour of John Knickerbaker Esq^r for his service as Treasurers Clerk for Twenty four pounds.

£24 0 0

An order drawn on the Treasurer in favour of Joseph Fay for Military Commissions for Twelve pounds.

£12 0 0

BENNINGTON June 1st 1787.

An order drawn on the Treasurer in Favour of M^r. Elihu Russel for Riding post for Ten pounds.

£10 0 0

An order drawn on the Treasurer in favour of Joseph Fay for Military Commissions for Nine pounds Twelve shillings.

£9 12 0

¹ Thus on the record.

JUNE 12 1787.

An order drawn on the Treasurer in favour of Deacon Jonas Whitney for riding Post for Sixteen pounds.

£16 0 0

JUNE 25 1787.

An order drawn on the Treasurer in favour of Samuel Mattocks Esqr. for the sum of six pounds Eighteen shillings and Eight pence.

£6 18 8

AUGUST 7th. 1787.

An order drawn on the Treasurer in favour of M^{rs}. Hough & Spooner for Printing & Riding Post for thirty Eight pounds Two shillings & Eight pence.

£38 2 8

BENNINGTON August 24th. 1787.

An order drawn on the Treasurer in favour of M^{rs}. Haswel & Russel for Printing General, Brigade & Regimental returns for six pounds.

£6 0 0

An order drawn in favour of Joseph Fay for Recording the Journals of Council from October 14 1784 to the End of their Sessions in February & March 1787 Computed at 5^d. for every hundred words, Also for 72 Military Commissions, in the whole nineteen pounds four shillings.

£19 4 0

ELEVENTH COUNCIL.

OCTOBER 1787 TO OCTOBER 1788.

THOMAS CHITTENDEN, Williston, *Governor.*

JOSEPH MARSH, Hartford, *Lieutenant Governor.*

Councillors :

TIMOTHY BROWNSON, Sunderland,	SAMUEL SAFFORD, Bennington,
PETER OLCOTT, Norwich,	JOHN FASSETT, Jr., Cambridge, ¹
JACOB BAYLEY, Newbury,	JOHN STRONG, Addison,
SAMUEL FLETCHER, Townshend,	JONATHAN HUNT, Vernon,
THOMAS PORTER, Tinmouth,	EBEN'R WALBRIDGE, Bennington,
THOMAS MURDOCK, Norwich,	ISAAC TICHENOR, Bennington.

JOSEPH FAY, Bennington. *Secretary.*

RECORD OF THE GOVERNOR AND COUNCIL

AT THEIR

SESSION WITH THE GENERAL ASSEMBLY HELD AT NEW-BURY, OCTOBER 1787.

IN COUNCIL NEWBURY 11th October 1787.

Present, His Excellency Thomas Chittenden Esq^r. Governor, and the following Members of the Hon^{ble} Council viz^t Hon^{ble} Samuel Safford Peter Olcott Jacob Bayley John Fassett John Strong Ebenezer Walbridge Isaac Tichenor & Jonathan Hunt Esq^{rs}. Joseph Fay Sec^y.

Resolved that a Committee of six be appointed to join a Committee from the General Assembly to receive, sort and count the votes of the

¹ NATHANIEL NILES was elected, but did not qualify, and resigned on the 18th of October, when JOHN FASSETT, jr., then a representative of Cambridge in the Assembly, was unanimously elected to fill the vacancy. Judge Fassett took his seat in the Council Oct. 25th, having served in the Assembly until that time.

Freemen for Governor, Lieutenant Governor, Treasurer and Twelve Councillors for the year Ensuing. Members choosen, Mr. Safford, Mr. Strong, Mr. Walbridge, Mr. Tichenor, Mr. Olcott, and Mr. Hunt.

A Letter was rec^d. from Gamaliel Painter Esquire Resigning his office as Sheriff in and for the County of Addison; the same was read & accepted.

The resignation of Samuel Knight Esq^r. chief judge of the County Court in and for the County of Windham, was rec^d. read & accepted.

The Committee appointed to join a Committee of the General Assembly to receive, sort and Count the votes of the Freemen for Governor & other officers declare the following persons to be choosen viz^t. His Excellency Thomas Chittenden Esq^r. Gov^r. Joseph Marsh Esq^r. Lt^t. Gov^r. Samuel Mattocks Esq^r. Treasurer and the following Gentlemen Councillors viz^t. Hon^{ble} Samuel Safford John Strong Jacob Bayley Timothy Brownson Peter Olcott Samuel Fletcher Thomas Porter Thomas Murdock Ebenezer Walbridge Jonathan Hunt Isaac Tichenor & Nathaniel Niles Esq^{rs}.

Adjourned to 9 oClock Tomorrow.¹

FRIDAY October 12 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Samuel Safford Jacob Bayley Peter Olcott John Strong Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r. Sec^y. John G. Bayley Esq^r. Sheriff.

His Excellency the Governor & the above named members, Having been duly qualified according to Law, Took their Seats accordingly.

His Excellency requested the Council to proceed by Ballot to choose their Secretary for the year ensuing. The Ballots being Taken Joseph Fay Esq^r. was declared to be duly Elected & was sworn accordingly.

A Letter from His Excellency Governor Bowdoin dated March 10th 1787, enclosing a Resolution of the Senate and General Assembly of the Common-Wealth of Massachusetts was read, Also one Letter dated May 16 1787 inclosing sundry resolutions and Copies of Letters, also a Letter from His Excellency Governor Hancock dated July 5th. 1787 enclosing a Resolution of Assembly was read in their order.

The Resignation of the Hon^{ble} Ira Allen Esq^r. Surveyor General was rec^d. read & accepted.

Attest, JOSEPH FAY Sec^y.

Adjourned to 2 oClock P. M.

Met according to Adjournment.

The Governor and Council Proceeded to the General Assembly to lay before them Sundry Letters, and to point out the necessary business to be persued the present Session, after which the Governor and Council joined the General Assembly for the appointment of Judges of the Supreme Court. The Ballots being Taken the Hon^{ble} Moses Robinson Esq^r. was declared duly Elected chief Judge, and the Hon^{ble} Paul Spooner

¹ From the *Assembly Journal*, Oct. 11 1787:

Resolved that Mr Dewey be requested to wait on the Reverend Mr Asa Burton and request him to preach an Election Sermon this day and on his refusal to wait on the Rev^d Mr Lyman Potter and request him to preach said Sermon.

Mr. Potter performed this service.

Esq^r and Nathaniel Niles Esq^r was declared duly Elected as side or assistant Judges.

A bill from the House was rec^d. appointing a Committee of six to join a Committee of Council to arrange the necessary business of the Present Session, the members choosen Mr Dewey,¹ Mr Marvin, Mr Allen, Mr Freeman, Mr E. Robinson, and Mr Loomis. Resolved that Mr Tichenor, Mr Hunt and Mr Strong join said Committee.

IN GENERAL ASSEMBLY October 12th 1787.

Resolved that the last Thursday of November next be appointed to be observed as a day of Public Thanksgiving throughout this State. And that His Excellency the Governor be requested to Issue his Proclamation accordingly. Extract from the Journals.

ROSL^r HOPKINS, Clk.

A petition signed Cornelius Lynde and Elijah Paine in behalf of the Proprietors of Williamstown & Northfield, having been read in the General Assembly, and Mr Sessions, Mr Chandler, and Mr Ward appointed to join a Committee of Council, Resolved that Mr Bayley join said Committee.

Adjourned to 9 oClock Tomorrow.

SATURDAY 13 October 1787.

Met according to Adjournment.

A petition Signed Thomas Sawyer praying for payment for services rendered this State in the year 1778 having been read in General Assembly & Mr Cooley, Mr Sabin, & Mr Williams appointed to join a Committee of Council, Resolved that Mr Hunt join said Committee.²

A petition Signed John Harwood praying for Compensation for money paid for a Certain Farm purchased of Major Chandler Commissioner of sales, and which was afterwards taken from him by due course of Law, having been read in General Assembly, and Mr Sessions, Mr Shumway & Mr Emmons appointed to join a Committee of Council, Resolved that Mr Safford join said Committee.

A Petition Signed Gamaliel Painter and Thomas Sawyer, in behalf of the Inhabitants of Leicester and Salisbury having been read in General Assembly, and Mr Aiken & Mr Paine appointed to join a Committee of Council, Resolved that Mr Walbridge join said Committee.

Adjourned to 10 oClock Monday next.

MONDAY Newbury 15th October 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r. and the following Members of the Hon^{ble} Council viz^t the Hon^{ble} Samuel Safford

¹ Mr. Jewett in the *Assembly Journal*. Elijah Dewey of Bennington, and Thomas Jewett of Pownal, were members of Assembly.

² Sawyer commanded the men who repulsed the British and Indians at Shelburne, March 12 1778. Sawyer paid his men out of the effects of Peter Sevence, who was supposed to be a tory. In March 1787, Sevence obtained a judgment in Addison county court against Sawyer for the property to the amount of £88 lawful money, with costs; the payment of which, on the above petition, the State assumed.—See Vol. I, pp. 245, 528.

Jacob Bayley Peter Olcott Ebenezer Walbridge John Strong Jonathan Hunt & Isaac Tichenor Esq^r. Joseph Fay Esq^r. Sec^y. John G. Bayley Sheriff.

A bill was rec^d. from the General Assembly for dividing the County of Addison, and a Committee of five appointed to join a Committee of Council viz^t. Mr. Dewey, Mr. Marvin, Mr. Sessions, Mr. E. Robinson, and Mr. Harvey. Resolved that Mr. Safford & Mr. Olcott join s^d. Committee.¹

An Act repealling an Act passed in favour of Gershom Beach for Collecting a Certain sum of money &c. having passed the General Assembly was rec^d. read & Concurred.

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

An act Establishing Castleton Grammar school house to be the County Grammar school for the County of Rutland was rec^d. read & Concurred.²

An act enabling the Proprietors of Williams Town and Northfield to make new Pitches was read and returned to the General Assembly with proposals of amendment.

A petition Signed Roswel Hopkins praying for a Grant of Land as a Compensation for his past Services having been read in General Assembly, and Mr. Allen & Mr. Marvin appointed to join a Committee of Council, and Also the Petition of E. Walbridge & Noah Smith Esquires praying for Lands near Starksboro.

The memorial of Cornelius Lynde was read having been read in General Assembly and Mr. Olmsby, Mr. Clark, Mr. Allen, Mr. Cook, Mr. Hazen & Mr. Loomis appointed to join a Committee of Council. Resolved that Mr. Bayley join said Committee, as also the committee on the petition of E. Walbridge and Noah Smith Esq^{rs}. Praying for Lands near Starksborough.

The Memorial of Cornelius Lynde was read having been read in General Assembly and Mr. Olmsby, Mr. Clark, Mr. Allen, Mr. Cook, Mr. Hazen & Mr. Loomis appointed to join a Committee of Council. Resolved that Mr. Bayley join said Committee, as also the Committee on the petition of E. Walbridge and Noah Smith Esq^{rs}. Praying for Lands near Starksborough.

The Memorial of Cornelius Lynde was read having been read in General Assembly and Mr. Olmsby, Mr. Clark, Mr. Allen, Mr. Cook, Mr. Hazen & Mr. Loomis appointed to join a Committee of Council. Resolved that Mr. Tichenor & Mr. Hunt join said Committee.³

Adjourned to 9 o'clock Tomorrow.

¹ From the *Assembly Journal*, October 15 1787:

His Excellency the Governor in behalf of the members of Addison County requested leave to bring in a bill for dividing the County of Addison into two distinct Counties—the yeas and nays being required on the question they are as follows viz. [yeas 42, nays 32.] so it passed in the affirmative and agreeable to leave his Excellency brought in a bill entitled an act for dividing the County of Addison, forming a new County and ascertaining the times and places of holding Courts in Addison & Chittenden Counties.

This bill passed, and Chittenden county was organized by the appointment of officers at this session.

² The title of the bill was “an act for establishing a county grammar school at Castleton in the county of Rutland.”

³ The Secretary of the Council entered judge Lynde's memorial twice, and referred it to different members of the Council. There were two

NEWBURY Tuesday 16 October 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r and the following Members of the Hon^{ble} Council viz^t Hon^{ble} Samuel Safford Peter Olcott Jacob Bayley Ebenezer Walbridge Isaac Tichenor Jonathan Hunt and John Strong Esq^r Joseph Fay Sec^y John G. Bayley Esq^r Sheriff.

A bill from the House was rec^d & Mr. Dewey, Mr. Shumway, Mr. Marsh, Mr. I. Clark, Mr. Thompson, Mr. Fassett, Mr. Sessions, Mr. Freeman, Mr. Emmons, Mr. E. Robinson, Mr. Loomis & Mr. Johnson was appointed a Committee to join a Committee of Council to Take under Consideration the 7th article in the arrangement [of business] viz^t to point out some Method for disposing of the [glebe and other] public lands, therefore Resolved that Mr. Tichenor, Mr. Safford, & Mr. Walbridge join the above Committee for the purposes aforesaid.

A petition signed Daniel Burk was read, having been read in General Assembly, and Mr. Dewey, Mr. Clark, Mr. Fassett, Mr. Israel Smith, Mr. E. Robinson & Mr. Johnson [appointed a Committee thereon to join a Committee from the Council,] Resolved that Mr. Olcott & Mr. Murdock join said Committee.¹

Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

His Honor Joseph Marsh Esq^r Lt Gov^r appeared & being duly qualified took his seat accordingly and also the Hon^{ble} Thomas Murdock Esq^r appeared and being duly qualified took his seat in Council.

An Act repealing an act passed at Bennington in March last Levying a Tax in Chester, was read, and having passed the General Assembly was Concurred.

Adjourned to 9 o'Clock Tomorrow.

WEDNESDAY 17th October 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r His Honor Joseph Marsh Esquire Lt Gov^r and the following Members of the Hon^{ble}

memorials for the establishment of a college at Williamstown—one from Elijah Paine and one from Cornelius Lynde—which were referred to the same Committee in the House. The Secretary of the Council seems to have omitted a notice of the reference of Judge Paine's memorial for a college. Probably it accompanied the memorial of Judge Lynde on the same subject, and was referred to Messrs. Tichenor and Hunt. Oct. 20 1787, the committee reported that "the laudable and generous donation" (£20000) proposed to be given for a college or university at Williamstown would alone be insufficient for the purpose, and as the lands appropriated would not afford an immediate support, the subject should be postponed to a future legislature. In 1789, Ira Allen, Gov. Chittenden and others offered a more liberal donation for the University of Vermont at Burlington, which in 1791 was accepted and the institution incorporated. The name "Olmsby" in the Council journal should be *Ormsby*.

¹ The petitioner asked "a pension of five dollars per month in consequence of the loss of his arm in the battle near Bennington on the 16th of August 1777." The petition was subsequently dismissed; perhaps on the ground that Congress should grant the pension.

Council viz^t. Hon^{ble} Samuel Safford Jacob Bayley Peter Olcott Ebenezer Walbridge Thomas Murdock John Strong Isaac Tichenor & Jonathan Hunt. Joseph Fay Secy. John G. Bayley Sheriff.

An act Laying a Tax of 2 pence on the acre on all the Lands in the Township of Hubarton [Hubbardton] was read having passed the General Assembly and was Concurred.

A petition Signed Jonathan Elkins praying for a Grant of Land having been read in General Assembly & Mr. Marvin, Mr. Harvey, and Mr. Throop appointed to join a Committee to take the same under consideration, Resolved that Mr. Bayley join said Committee and to Take under consideration the Petition of Ephraim Foster, the Wid^o. Hester Warner, & Mark Levingsworth Esq^r. praying for Grants of Land &c.

Resolved that the Surveyor General be & he is hereby directed to receive Twelve pounds in hard money orders in Lieu of Hard money, of the Proprietors of a Gore of Land Lying between Tunbridge & Royalton Granted to Governor Spooner and others.

Attest,

JOSEPH FAY Secy.

On a bill from the House appointing Mr. Whitelaw, Mr. Paine & Mr. Painter a Committee to join a Committee of Council to Take under consideration the return of the Surveyor General, Resolved that Mr. Tichenor & Mr. Bayley join the above Committee for the purpose aforesaid.

An Act repealing an act making Copper Coin a Tendency having passed the General Assembly was read and approved.

Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

An act to annex Kingston to the County of Addison having passed the General Assembly was read and Concurred.

Resolved that the Artillery now the property of this State or in possession of this State be properly Mounted on Carriages at the Expence of this State.

Adjourned to 9 o'Clock Tomorrow.

THURSDAY Newbury 18 October 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. His Honor Joseph Marsh Esq^r. Lt. Gov^r. and the following Members of the Hon^{ble} Council, Hon^{ble} Samuel Safford Jacob Bayley Thomas Murdock Peter Olcott John Strong Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor. Joseph Fay Secy. John G. Bayley Sheriff.

The Hon^{ble} Nathaniel Niles Esq^r. being present Resigned his office as a member of Council which was accordingly accepted.

Resolved that an order be drawn in favour of Barzillee Rice for distributing acts & Laws to the am^t of Eight pounds.

£8 0 0.

By order of Council

JOSEPH FAY Secy.

Resolved that an order be drawn in favour of Elkanah Day Esq^r. Sheriff for distributing Tax bills, Constitutions &c. for the sum of Twelve pounds.

By order of Council

JOSEPH FAY Secy.

£12 0 0.

Resolved that an order on the Treasurer be drawn in favour of M^{rs}. Hough & Spooner for Printing 400 Journals of Assembly of October & February Sessions, for the Sum of Seventy six pounds L. Money.

£76 0 0.

JOSEPH FAY Secy.

On Motion Resolved that a Member of Council be appointed to fill the vacancy made by the Resignation of Mr Niles. The Ballots being Taken The Hon^{ble} John Fassett Esq^r. was Unanimously Elected.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

An act empowering Samuel Johnson to Execute a deed was read having passed the General Assembly [and] was concurred.

An act dividing Westminster into two Parishes having passed the General Assembly was read & concurred.

An act Taxing Land in Woodstock 2^d. on the acre was read and concurred.

Adjourned to 9 o'Clock Tomorrow.

FRIDAY 19th. October 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. His honor Joseph Marsh Esq^r. Lt Gov^r. and the following Members of the Hon^{ble} Council—Hon^{ble} Samuel Safford Jacob Bayley Peter Olcott Thomas Murdock John Strong Jonathan Hunt Ebenezer Walbridge Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. John G. Bayley Sheriff.

A petition signed George Hough & Alden Spooner praying for the exclusive right of printing for this State for seven years, was read, and Mr. Dewey, Mr. I. Clark, Mr. Fassett, Mr. Freeman, Mr. E. Robinson, and Mr. Paine being appointed a Committee to join a Committee of Council to take the same under consideration, Resolved that Mr. Murdock & Mr. Tichenor join said Committee.

An act in addition to an act intitled an act for Collecting & paying Rates was read, having passed the General Assembly, was returned with proposals of Amendment.

An act Dividing the County of Addison &c. [establishing the county of Chittenden,] having passed the General Assembly was read and Concurred.

Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

An act ordering Writts to be returned to the County Court for the County of Windham, having passed the General Assembly was read and Concurred.

An act for Taxing Land in Tunbridge 2 pence on the acre, having passed the General Assembly was read and Concurred.

An act for appointing a Surveyor General was read & returned to the Hon^{ble} General Assembly, with proposals of amendment.

A petition Signed Benjamin Whipple, praying for Remission of the fine laid on him by the Supreme Court in August last, was read and Dismissed.

Resolved that Luke Knowlton Esq^r. be and he is hereby appointed chief Judge of the Comty Court in & for the County of Windham, in Lieu of Samuel Knight Esq^r. Resigned to Serve until the first of December Next, & the County Clerk in & for the County of Windham is hereby directed to Enter his name in the County Commission accordingly.

Adjourned to 9 o'Clock Tomorrow.

NEWBURY 20 October 1787.

Council Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. His honor Joseph Marsh Esq^r. Lt. Gov^r. and the following Members of the Hon^{ble} Council viz^t. The Hon^{ble} Samuel Safford Jacob Bayley Thomas Murdock Peter Olcott John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor. Joseph Fay Sec^y. John G. Bayley Sheriff.

The following Resolution was Rec^d. from the General Assembly.

IN GENERAL ASSEMBLY October 20th 1787.

Resolved that this House Request his Excellency the Governor to Issue his Proclamation Calling upon all the Good People of this State to render their Strict Obedience to the Laws thereof, and that all Executive & informing officers be vigilant in executing the said Laws, & that the Same be Transmitted to the Clerks of the Churches to be read after Divine Service on the next thanksgiving Day, and Where there is no Ministers to the Town Clerks.

Extract from the Journals.

ROSL^r. HOPKINS, Clerk.¹

An Act discharging Major William Goodrich from his Debts having passed the General Assembly was read & concurred.

Mr Olcott moved for Leave of Absence which was accordingly Granted on Condition of his returning Tuesday next.

Adjourned to 2 o'clock P. M.

Met according to Adjournment—And Adjourned to 10 o'clock Monday next.

¹ In pursuance of this resolution, the governor issued the following, the occasion being a revisal and re-enactment of the constitution and general statutes of the State:

BY HIS EXCELLENCY

THOMAS CHITTENDEN, ESQ.

Governor, Captain-General and Commander in Chief in and over the State of VERMONT.

WHEREAS the Statute-Laws are now completed and promulgated for the government and observance of the good people of this State; and as it is of the highest importance to the peace and happiness of all communities, that a strict regard be paid, and a due obedience given to such laws and regulations as are established for their government:

I HAVE therefore thought fit, by and with the advice of Council, and at the request of the General Assembly, to issue this Proclamation, strictly requiring and commanding all the good people of this State, to render strict obedience to the laws thereof. And that all executive and informing officers be active and vigilant* in executing the said laws: and all the good people of this State, of every denomination, are required to take notice hereof and govern themselves accordingly.

Given under my hand in Council, at Newbury, this 20th day of October, one thousand seven hundred and eighty-seven, and in the eleventh year of the independence of this State.

THOMAS CHITTENDEN.

By his Excellency's Command, JOSEPH FAY, Sec^y.

GOD SAVE THE PEOPLE ! †

* A literal copy from the resolution of the General Assembly, the error of a letter in the word *vigilent* included.

† *Vermont Journal* of Nov. 26 1787.

IN COUNCIL MONDAY 22^d October 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r His Honor Joseph Marsh Esq^r Lt Gov^r and the following Members of the Hon^{ble} Council Hon^{ble} Samuel Safford Jacob Bayley Thomas Murdock Peter Olcott John Strong Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^r Joseph Fay Sec^y John G. Bayley Sheriff.

An Act Dividing the Town of Rutland into two Parishes having Passed the General Assembly was read & Concurred.

An Act Granting M^{rs} Hough & Spooner the exclusive Right of Printing for this State for the term of three years having passed the General Assembly was read and returned to y^e house by M^r Walbridge with proposals of Amendment.

An Act dividing the County of Addison was read a second time & Concurred.

An Act for Levying a Tax of 2 pence on the acre on all the Land in the Township of Hinesburgh, having passed in General Assembly was read and returned to the House with proposals of Amendment.

Adjourned to 2 o'Clock P: M.

Met according to Adjournment.

A petition Signed Moses Little praying for a Grant of Land, having been read in General Assembly & M^r Allen, M^r Johnson, & M^r E. Robinson appointed a Committee to join a Committee of Council, Resolved that M^r Safford join said Committee.

On Motion of the Hon^{ble} Thomas Murdock, (Having resigned his office as chief judge of the County Court in & for the County of Windsor) Resolved that His Honor Governor Marsh be and he is hereby appointed chief Judge of the County Court in & for said County of Windsor, in the room of the Hon^{ble} Thomas Murdock Resigned: And the Clerk of said County Court is hereby directed to Enter his name in the County Commission accordingly, to Serve until the first day of December next.

Resolved that Samuel Strong be and he is hereby appointed Sheriff of the County of Addison in Lieu of Gamaliel Painter Esq^r Resigned, to Serve until the first day of December next.

Adjourned to 9 o'Clock Tomorrow.

NEWBURY 23 October 1787.

Council met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r His Honor Joseph Marsh Esq^r Lt Gov^r and the following Members of the Hon^{ble} Council Hon^{ble} Samuel Safford Jacob Bayley Thomas Murdock Peter Olcott John Strong Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esquires. Joseph Fay Sec^y & John G. Bayley Sheriff.

An order drawn on the Treasurer in favour of General Strong for £7 15 0 for his Wages last October Session at Rutland.

£7 15 0.

Sign^d

JOSEPH FAY, Sec^y.

Adjourned to 3 o'Clock P: M.

Met according to Adjournment.

A bill from the House containing a Report of Committee appointed to Take under Consideration the Glebe & Society Rights in this State having been read in the House of Assembly & a Committee viz^t M^r Marvin, M^r Freeman, & M^r Sessions [appointed] to join a Committee of Council, Resolved that M^r Tichenor join said Committee.

Adjourned to 9 o'Clock Tomorrow.

WEDNESDAY 24 October 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. His Honour Joseph Marsh Esq^r. Lt. Gov^r. Hon^{ble} Samuel Safford Jacob Bayley Thomas Murdock Peter Olcott John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. & John G. Bayley Sheriff.

An Act for Taxing the Township of Norwich 2^d on the acre having passed the General Assembly was read & Concurred.

Resolved that the Sec^y of Council be & he is hereby requested to make out Separate Commissions for the Hon^{ble} Joseph Marsh & Luke Knoulton Esq^{rs}. chief Judges of the County Courts for the County^s of Windham and Windsor.

In consequence of the appointment of Luke Knoulton Esq^r to be chief Judge in and for the County of Windham, he has Resigned his office as one of the Judges of the Supreme Court which accordingly [was] accepted.

Resolved that the bounds of the Township of Grotton as Granted & laid Down on the Surveyor Generals Plan west of Ryegate & Newbury extend so far as to contain the Contents of Twenty Eight thousand acres & the Surveyor General is hereby directed to Make out the bounds Accordingly.

Adjourned to 2 oClock P: M:

Met according to Adjournment.

An Act for the appointment of a Pay Master General. & pointing out his Duty, was read (having passed the General Assembly) & Concurred.

An Act Levying a Tax of six pence on the pound on the Grand List of this State to redeem the Notes Issued by the Treasurer & for Defraying the Expence of the State was read & Concurred.

A petition Signed Pierpoint Edwards & others praying for Land vizt six Townships heretofore Granted to Holbrook & others, having been read in General Assembly, & Mr. Paine, Mr. Dewey, & Mr. Freeman appointed a Committee to join a Committee of Council, Resolved that Mr. Bayley join said Committee.

An Act for Levying a Land Tax of one penny p^r acre on all the Land in Brookfield having passed the General Assembly was read and Concurred.

Adjourned to 9 oClock Tomorrow.

THURSDAY NEWBURY Oct^r. 25th. 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. His Honour Joseph Marsh Lt. Gov^r. and the following Members of the Hon^{ble} Council, vizt Hon^{ble} Samuel Safford Jacob Bayley Thomas Murdock Peter Olcott John Strong Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. & J. G. Bayley Sheriff.

Hon^{ble} John Fassett Esq^r. being duly qualified Took his seat in Council.

On a Bill from the House appointing Mr. Chipman, Mr. Emmons, & Mr. Dewey a Committee to join a Committee of Council to Take under Consideration the Granting fees of *Ira & Mooretown*, [Bradford,] Resolved that Mr. Fassett join said Committee.

An Act Granting Ebenezer Burges a New Tryal, having passed the General Assembly was read & Concurred.

An Act Granting a Tax of 2^d. on the acre on all the Land in Saltash [Plymouth,] having passed the General Assembly was read & Concurred.

An Act Granting a New Tryal to Solomon & Frederick Saxton, in a Cause therein mentioned, having passed the General Assembly was read & Concurred.

An Act Granting a Tax of 2^d. on the acre on all the Lands in Bethel, having passed the General Assembly, [was] read & Concurred.

An Act for distributing the Laws and journals of this State was read & Returned to the House with proposals of amendment.

An Act Granting a Land Tax of 2^d. on the acre on all the Lands in the Township of Medway, [Mendon,] having passed the General Assembly was read & Concurred.

An Act Granting a Land Tax on all the Lands in *Reedsborough* 2^d. on the acre, having passed the General Assembly was Read & Concurred.

An Act Granting a Tax of one penny on Each acre of Land in the Town of Northfield, having passed the General Assembly was read & Concurred.

An act to Enable Creditors to receive their dues from Absent Debtors, was read & returned to the House by Mr. Tichenor with Objections to the bill.

A petition Signed Leonard Whiting & Jonathan Grout, praying for Compensation for Lands Confiscated & sold in Woodstock, & Mr. Smith & Mr. Sabin and Mr. Allen appointed to join a Committee of Council, Resolved that Mr. Walbridge join said Committee.

A petition Signed Jonathan Childs, Praying to be discharged from his Debts, was read, the General Assembly having appointed Mr. Johnson, Mr. Spafford, & Mr. Harvey a Committee to join a Committee of Council—Resolved that Mr. Olcott join said Committee.

An Act directing Returns of Writts in Windsor County was read & sent to the Hon^{ble} General Assembly to be passed into a Law.

An Act Laying a Land Tax of 2^d. on the acre in the Township of Milton, having passed the General Assembly, was read & Concurred.

An Act Laying a Land Tax of one penny p^r acre on all the Lands in the Township of Ludlow having passed the General Assembly was read & Concurred.

An Act Taxing the Land in Thetford 2^d. on the acre having passed the General Assembly was read and Concurred.

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

An Act for the purpose of Collecting the arearages of Taxes, having passed the General Assembly was read & Concurred.

An Act Laying a Tax of one penny on Each acre of Land in the Township of Wells, having passed the General Assembly was read & Concurred.

An Act to Confirm the Doings of the Deputy Sheriff in the County of Addison [Addison] was read and Recommended to the Hon^{ble} General Assembly to be passed into a Law.

His Honor Governor Marsh Moved for Leave of Absence during the present Session which was accordingly Granted.

An order Drawn on the Treasurer in favour of his hon^r. Jos. Marsh for 12 shillings.

JOSEPH FAY [Secy.]

Adjourned to 9 o'clock Tomorrow.

FRIDAY, October 26th. 1787.¹

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Samuel Safford Jacob Bayley Thomas Murdock Peter Olcott John Fassett Ebenezer Walbridge Jonathan Hunt Isaac Tichenor. Joseph Fay Sec^y. J. G. Bayley Sheriff.

An Act Taxing the Town of Corinth 2^d. on the acre having passed the General Assembly was read and Concurred.

Mr. Chipman Dilivered a verbal [verbal] Message from the House requesting to be informed as to the Intentions of the Council in their request of yesterday to join in Grand Committee, Whereupon Resolved that a Copy of the Resolution of Council of yesterday so far as respects the request to join in Grand Committee be Sent to the House.²

¹ From the *Assembly Journal*:

Oct. 25 1787.—Resolved that the Sallary of his Excellency the Governor for the present year be one hundred and fifty pounds Lawful money.

Oct. 26 1787.—The Com^{te} appointed to report the wages of the Treasurer reported which was read & thereupon

Resolved that the Treasurer be allowed ten pounds per month for his Services the year past to be paid in hard money orders.

² Oct. 24, on the petition of the proprietors of the town of Johnson against the proprietors of Brownington, the Assembly adopted a resolution requesting the Governor and Council to issue a charter of Johnson to Rev. Dr. Jonathan Edwards, then of New Haven, Conn., and Hon. William Samuel Johnson, of Stratford, Conn., who had at this time just closed his service as a member of the national convention that formed the constitution of the United States. On the *Assembly Journal* of Oct. 25 1787 is the following:

A verbal message from Council by Mr. Tichenor requesting that this House would join them in Grand Com^{te}. to take under consideration the resolution of this House of yesterday requesting the Gov^r. & Council to issue a charter of Incorporation of the township of Johnson &c. was taken under consideration—And the question being put whether the House would join in Grand Com^{te}. for that purpose—it passed in the negative.

IN ASSEMBLY, Oct. 26 1787: Resolved^d that Mr. [Lemuel] Chipman be requested to wait on the Gov^r. & Council and request them to inform this House in writing of their intentions [in] requesting this House to join in Grand Com^{te}. made yesterday by Mr. Tichenor.

Mr. Chipman returned from Council with a written message which being read—The question being put whether the vote passed yesterday not agreeing to join in Grand Com^{te}. be reconsidered—It passed in the negative.

Same date, 2 p. m.—A resolution of Council of Oct. 24th. & 25th. Inst^t containing their proceedings on the petition and doing of this House respecting the township of Johnson was read—And on motion of the petitioners in case of proprietors of Johnson vs. the proprietors of Brownington—

This Assembly having decreed in said cause that the proprietors of Johnson are entitled to a charter of the township of land bounded North on lands ungranted, East on Hydepark, South on Sterling, West on

On a Bill from the House, appointing Mr. Paine, Mr. Marvin, and Mr. Allen to join a Committee of Council to bring in a bill appointing a Board for the Tryal of Land disputes, Granting Charters &c., Resolved that Mr. Safford & Mr. Tichenor join said Committee.

On a bill from the House, appointing Mr. I. Clark, Mr. Webb, & Mr. Wells to join a Committee of Council to Take under their Consideration the mode for disposing of the paper Money, in the hands of the late Treasurer, & Transferring the Late Vouchers, &c. Resolved that Mr. Strong join ^{sd} Committee.

An Act Laying a Land Tax on the Town of Chittenden of one penny ^{pr} acre having [passed] the General Assembly was read & Concurred.

An Act Taxing the Township of Stratton 2^d on the acre, having [passed] the General Assembly was read & Concurred.

An Act Taxing the Township of Summerset 1^d on each acre, having passed the General Assembly was read & Concurred.

An Act laying a Tax of 2^d on the acre on all the Lands in the Township of Newbury, having passed the General Assembly was read & Concurred.

An Act Suspending the Revised Laws having passed the General Assembly, was read & Concurred.¹

An Act for the Limitation of Actions having passed the General Assembly was read & Concurred.

The Hon^{ble} Luke Knoulton Esq^r. Took the necessary qualifications before His Excellency the Governor, to qualify him to sit as chief Judge in & for the County of Windham, to Serve the remainder of the present year, & the year Ensuing, in the afforesaid office of Chief Judge.

An Order Drawn on the Treasurer in favour of Reuben Smith for

£1 11 0.

JOS. FAY Secy.

£1 11 0.

Cambridge & in lands ungranted each line whereof to be six miles & to contain 2340 acres—Resolved for the purpose of executing said decree that his Excellency the Gov^r. be & is hereby requested to issue said charter accordingly said charter to issue as of a grant made by the Assembly holden the second Thursday of Oct^r. 1782.

The following votes indicate that the disagreement between the two houses on this subject was serious:

IN ASSEMBLY, Oct. 26 1787: Resolved that the Secretary of State be directed to countersign the charter of Johnson altho it may not have the State Seal prefixed to it.

IN COUNCIL, Oct. 27 1787: On motion Resolved that the Sec^y of Council be & he is hereby directed not to affix the State Seal to the Charter of Johnson as the Council have not agreed to the Grant.

The Assembly seems on this occasion to have claimed the exclusive right to grant lands, and the Governor and Council to have denied that claim. It appears that some years elapsed before the claims of the parties in this case were settled. The claims of the Browns were settled by a charter of Brownington, Oct. 2 1790. Johnson was chartered Jan. 2 1792 to Messrs. Edwards and Johnson.

¹ The revised statutes were suspended until the first of the following December; doubtless to await the printing and distribution of the statute book.

An Act Taxing the Township of St Albans having passed the General Assembly was read & Concurred.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

An Act for disposing of the public Lands having passed the General Assembly was read & Concurred.

An Act Altering the name of the Township of Westford to Westmore having passed the General Assembly was read & Concurred.¹

An Act directing the Listers in their office & duty was read & ordered to be sent to the Hon^{ble} General Assembly to be passed into a Law.

An Act in addition to an act intitled an act for Collecting & paying Taxes having passed the General Assembly was read & Concurred.

An Act for Authenticating a Certain Deed having passed the General Assembly was read & Concurred.

An Act in Addition to & in alteration of an act Impowering the persons therein named to Levy a Tax of 2^d. on the acre on all the Land in the Townships of Landgrove & Broomly [Peru] having passed the General Assembly was read & Concurred.

An Act Authorising Elizebeth Pierce of Putney to Give a Deed, having passed the General Assembly was read & Concurred.

Resolved that the Proprietors of Grotton pay for Each Right added to said Township (Thirteen in number) £8 in State Security to General Safford & Strong Land Committee, [and] that they account to the Treasurer.

James Whitelaw Esq^r Surveyor General, appeared in Council & Took the Necessary Oaths of office to qualify him to that office.

Attest,

JOSEPH FAY Secy.

[Here are two blank pages on the manuscript record.]

The Hon^{ble} Samuel Mattocks Esq^r Treasurer, as Principle, and the Hon^{ble} John Strong Esq^r and Jonathan Spafford Esq^r as sureties [sureties,] appeared before the Governor and Council & acknowledged themselves jointly & severally bound and Recognized to the Secretary of State in the sum of Ten thousand pounds, for the faithfull performance of the said Mattocks in the office of Treasurer for the year Ensuing.

Attest JOSEPH FAY Secy.

Resolved that the Treasurer be, and he is hereby directed to receive of General Safford a Certain Note Given to John Bell of Philadelphia, by our Agents at Congress, for the Sum of Forty odd pounds (as the Note will Specify) on a Settlement with s^d Safford as Land Committee, in the Settlement of the Granting fees of S^t. *Johnsbury & Danville*.

Resolved that Mr. Safford, Mr. Tichenor & the Sec^y of Council, be & they are hereby appointed to Draw orders on the Treasurer for the Exigences of Government for the year Ensuing.

An Act appointing Seven Commissioners, to Try and Determine of Disputes arising relative to Grants of Land made by this State, having passed the General Assembly was read & Concurred.²

An Act Authorizing & directing the Treasurer to receive certain

¹ The present town of Westmore was granted by the name of *Westford*; but as, at the date of this act, there was another town of the same name in the same county, [Chittenden,] this change of name was necessary.

² See report of commissioners, *post*, in the record of the Council for Oct. 28 1788.

orders Issued by Mr [James] Whitelaw was read and ordered to be sent to the General Assembly to be passed into a Law.

An Act Transferring the Treasury & distroying the paper money, having passed the General Assembly was read & Concurred.

A Bill from the House appointing a Committee of Six to join a Committee of Council to Nominate Seven Commissioners, & Resolved that Mr Safford & Mr Strong join said Committee.

Resolved that the Collection of the Fines laid on a number of Rioters in the County of Rutland by the County & Supreme Court in Nov^r 1786 be Suspended until the Rising of the General Assembly in October Next.

An Act Granting a Letter of Licence to Jesse Leavenworth for one year having passed the General Assembly was read & Concurred.¹

An Act Granting Timothy Andrus & his associates three Townships of Land being read in Council was Recommended to the General Assembly to be Suspended until the rising of the General Assembly in October next.—(*Reconsidered.*)

On Motion Resolved that the Sec^y of Council be & he is hereby directed not to affix the State Seal to the Charter of Johnson as the Council have not Agreed to the Grant.

An order drawn on the Treasurer in favour of Sheriff [John G.] Bayley for the Sum of £8 5 0.

Jos. FAY Sec^y.

IN GENERAL ASSEMBLY 27 October 1787.

Whereas this Assembly did yesterday pass an act for granting to the Hon^{ble} Jonathan Hunt Esquire & his associates a Township of Land six miles Square, Resolved that the Governor & Council as soon as the Granting fees for the Same Town are paid at the Rate of £10 0 0 hard money p^r Right be & hereby are directed to Issue a Charter of Incorporation for said Land as bounded in said act under the usual Restrictions & Reservations.

Extract from the journals.

ROSL^r HOPKINS Clerk.

Copy. Attest, Jos. FAY Sec^y.²

An Act appointing Roger Birchel a Committee &c. having passed the General Assembly was read & Concurred.

An act appointing a Committee to Lay a Tax on the Township of Winhall, having passed the General Assembly was read & Concurred.

An act for Laying a Tax in the County of Windsor, having passed the General Assembly was read & Concurred.

On a bill from the House appointing a Committee to join a Committee of Council to Nominate a Suitable Person for Pay Master General, Resolved that Mr Walbridge join said Committee.³

An Act Granting to the Hon^{ble} Jonathan Hunt Esqr a Township of Land having passed the General Assembly was read & Concurred.

Adjourned to 9 o'Clock Tomorrow.

SATURDAY 27 October 1787.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr Gov^r and the following Members of the Hon^{ble} Council, Hon^{ble} Samuel Safford Jacob

¹ The title in the *Assembly Journal* is "an act to suspend prosecutions against Jesse Leavensworth and for other purposes."

² This was the initiation of the legislative opposition to Gov. Chittenden in 1788, which resulted in his defeat in 1789.

³ The committee nominated Elisha Clark to fill this office, and he was elected.

Bayley Peter Olcott Thomas Murdock John Strong John Fassett Eben-
ezer Walbridge, Jonathan Hunt & Isaac Tichenor Esqrs. Joseph Fay
Secy. J G Bayley Esqr. *Sheriff*.

Resolved that the Collection of the Fines laid on a Number of Rioters
in the County of Windsor by the Supreme Court in Novr. 1786, be Sus-
pended until the Rising of the Assembly in October Next.

END OF OCTOBER SESSION HELD AT NEWBURY, 1787.

JOSEPH FAY, *Secy.*

Sundry orders Drawn on Treasurer.

BENNINGTON 11th December 1787.

An order drawn on the Treasurer in favour of Benjamin Risley for
Riding Post from Rutland to Middlebury Falls £2 6 8.

£2 6 8.

An order drawn on the Treasurer in favour of Eleazer Russel for Rid-
ing Post &c. for Nineteen pounds Six shillings & Eight Pence.

£19 6 8.

January 2^d 1788.

An order drawn in favour of Joseph Fay for Commissions &c. £55 9 6.

£55 9 6.

An order drawn on the Treasurer in favour of Isaac Tichenor Esqr. for
Services in Revising Laws for the Sum of £6 0 0.

£6 0 0.

January 14th 1788.

An order drawn on the Treasurer in favour of Haswell & Russel for
Printing acts of the State in the newspapers for the Sum of £18 3 0.

January 28th 1788, An order Drawn on the Treasurer in favour of
William Waters Post Rider from Bennington to Albany 34 weeks 36
miles at 2^d pr. mile £10 4 0.

£10 4 0.

March 7th 1788 an order drawn on the Treasurer in favour of Hough
& Spooner for Printing & Riding Post for £27 11 8.

£27 11 8.

March 10th 1788.

An order drawn on the Treasurer in favour of Elihu Russel for Riding
Post £8 13 4.

£8 13 4.

An order drawn on the Treasurer in favour of Daniel Marsh for Riding
Post £4 13 4.

£4 13 4.

March 14 1788.

An order drawn on the Treasurer in favour of Mr. Eliakim Spooner
for Riding Post by order of the Court of Commissioners £1 2 6.

£1 2 6.

SHAFTSBURY March 14 1788.

An order drawn on the Treasurer in favour of Paul Brigham Esqr.
Sheriff for the County of Windsor for distributing the Treasurers War-
rents in said County for £6 4 0.

£6 4 0.

March 14 1788.

An order Drawn on the Treasurer in favour of Joseph Fay for attending the Court of Commissioners with the Records of Council £2 5 0.
£2 5 0.

BENNINGTON, May 15th. 1787.

An order drawn on the Treasurer in favour of Deacon Jonas Whitney for Riding Post £32 0 0.
£32 0 0.

May 15 1788.

An order drawn on the Treasurer in favour of Hough & Spooner for distributing the revised Laws to the Counties of Windham & Bennington £3 0 0.
£3 0 0.

An order drawn on the Treasurer in favour of Deacon Jonas Whitney for Riding Post 20 weeks for £20 0 0.
£20 0 0.

RUTLAND 23^d August 1788.

An [order] drawn on the Treasurer in favour of Doct^r Roswell Hopkins for Copying journals of Assembly &c. for £35 18 8.
£35 18 8.

BENNINGTON 18 September 1788.

An order drawn on the Treasurer in favour of Daniel Beeman (for Riding Post up to this date) for £8 13 4.

October 3^d. 1788.

An order drawn on the Treasurer in favour of Joseph Fay for Copying journals of Council &c., as p^r. acc^t. for £31 18 6.
£31 18 6.

An order drawn on the Treasurer in favour of Isaac Tichenor Esq^r. for Auditting the Treasurers acc^ts for the sum of £7 6 0.
£7 6 0.

The foregoing orders on the Treasurer was drawn by the Hon^{ble} Samuel Safford, Isaac Tichenor & Joseph Fay Esq^{rs}. by Special Appointment of the Governor & Council empowering them to draw orders on the Treasurer to defray the expence of the Exigences of State in the recess of Assembly.

RECORD OF THE GOVERNOR AND COUNCIL

AT A SPECIAL SESSION AT RUTLAND, AUG. 23-27, 1788.

RUTLAND 23 August 1788.

At a meeting of the Governor & Council Holden by Special Notification for the purpose of Adjusting and settling the accounts of the Late Surveyor General,

Present His Excellency Thomas Chittenden Esq^r Gov^r and the following Members of the Hon^{ble} Council viz. Hon^{ble} Timothy Brownson Thomas Porter Jacob Bayley John Fassett Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y.

On the Resignation of George Hough Esq^r one of the justices of the Peace in & for the County of Windsor & the same being accepted—Resolved That Stephen Jacobs Esq^r be & he is hereby appointed a Justice of the Peace in his Room to Serve in s^d office the present year.

The Hon^{ble} Ira Allen Esq^r Presented his acc^ts as Late Surveyor General: proceeded to Examine the Same.

Adjourned to 2 oClock Tomorrow.

SATURDAY August 24th. 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. Hon^{ble} Timothy Brownson Thomas Porter Jacob Bayley John Fassett John Strong Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^r. Joseph Fay Sec^y.

A Letter from the Rev^d. Mr. Bebee¹ was Rec^d. & read, purporting that he should not be able to Preach the Election Sermon in October next agreeable to the appointment of the General Assembly, on acc^t of his ill State of Health—Therefore Resolved that the Rev^d. Mr. Elijah Sill² be & he is hereby appointed to Preach an Election Sermon in his Room in case he should fail, & [the] Sec^y is hereby directed to notify Mr. Sill of s^d. appointment.

A Letter Rec^d. from General Wait, Resigning his office as Brigadier General being read, the Sec^y is directed to inform the General that they are unwilling to discharge him until further consideration & request his continuance in Service.

Adjourned to 2 o'Clock P. M.

Met according to adjournment & proceeded on the Examination of acc^{ts}.

Adjourned to Monday Morning 7 o'Clock.

RUTLAND August 26 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. & the following Members of the Hon^{ble} Council viz^t Hon^{ble} Jacob Bayley Tim^o. Brownson John Fassett Thomas Porter Jonathan Hunt & John Strong Esquires. Joseph Fay Esq^r. Sec^y.

Proceeded to Examine & Adjust Accompts.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment and proceeded on business.

Ira Allen Esq^r. Late Surveyor General Exhibitted the following accounts viz^t

STATE OF VERMONT to IRA ALLEN *Surveyor General* Dr.

To cash paid James Whitelaw p ^r . acc ^t	£509 18 11
To cash paid Gamaliel Painter p ^r . acc ^t	£88 14 0
To cash paid Lemuel Clark p ^r . Rec ^t	12 0
To cash paid Andrew Shotts p ^r . acc ^t	6 8
To cash paid Col ^o . John Barron p ^r . acc ^t	61 3 2
To cash paid General Jacob Bayley p ^r . acc ^t	32 16 4
To cash paid Joseph Willard p ^r . acc ^t	2 8 0
To cash paid Capt. Ebenezer Willoughby	43 19 3
To cash paid Alexander Harvey Esq ^r .	1 2 0
To cash paid Maj ^r . Jesse Levingworth	9 9 3
To cash paid sund ^r . persons p ^r . acc ^{ts} .	210 11 5

¹ Rev. LEWIS BEBEE, of Arlington previous to 1787; and from June 14 1787 till May 6 1791, pastor of the first congregational church in Pawlet. He was a member of the first Council of Censors.—Hollister's *History of Pawlet*. pp. 138, 139, 165.

² Rev. ELIJAH SILL, from New Fairfield, Conn., organized the congregational church in Dorset, Sept. 22 1784, and was its pastor from that time until 1791.—*Vt. Hist. Mag.* Vol. 1, p. 190.

To cash paid Samuel Moore pr. acct.	£28 13 0
To cash paid Thomas Butterfield	21 11 6
To cash paid James Savage Esqr. & W ^m . Coit Surveyors as pr. acct ^s .	1031 6 5
To cash advanced as pr. acct.	638 12 9
To James Whitelaw Esqr. Surveyor Gen ^l pr. his acct.	68 12 3
To General Strong pr. acct.	3 17 9
To cash paid for my own Expence &c. pr. acct.	210 2 11

£2963 17 7

Deducted from Barrons Road acct to be aded here

14 10 0

£2978 7 7

Deducted £50 8 6¹ being charged to the Road acct.

50 8 4

£2927 19 3

October 27th 1788.²

To James Savage Esqr. £69 11 0 }	90 13 10
To W ^m . Coit Esqr. 21 2 10 }	
	£3018 9 6

90 Towns Taxed at £25 4 8	£2271 0 0
22 do. part Surveyed which are to be Taxed & pay when Completed	327 16 0
An order drawn on the Treasurer for the Surveyor General time expence &c. and incidental charges, in finding ungranted Lands	329 3 3
	£2927 19 3

By order of Gov^r. & Council.

Jos. FAY Secy.

22 Towns named in the list marked thus X released from being Taxed on the proprietors & charged to the State £555 2 8
 An order drawn on the Treasurer in favour of Ira Allen Surveyor Gen^l for the aforesaid Sum £555 2 8.

JOSEPH FAY Secy.

Adjourned to 6 o'clock Tomorrow Morning.

TUESDAY 27th. August 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. Gov^r. Hon^{ble} Timothy Brownson Thomas Porter Jacob Bayley John Fassett John Strong Jonathan Hunt Esqrs. Joseph Fay Esqr. Secy.

¹ Carried out for deduction, 4.

² The items to Savage and Coit, and their addition to the account preceding, were entered Oct. 27 1788; whereas, the account rendered in August 1788, of £2927 19 3, was balanced by the three items next following. The account is not accurate.

STATE OF VERMONT To IRA ALLEN S. G. Dr. for cutting roads &c.			
Jerico To cash paid sundy		Newbury	£4 0 0
Persons	£44 6 6	Duxbury	10 0 0
Essex To cash paid as p ^r		Moortown [Bradford]	10 0 0
acc ^t Allowed	12 2 3	Topsham	4 0 0
Bolton	43 10 6	Fairfax	30 11 6
Waterbury	52 19 2	Fletcher	5 15 0
Shelburn	32 14 5	Westford	3 8 0
Middlesex	56 13 0	Charlottee	24 17 0
Berlin	42 19 5	Hardwick	3 4 0
Montpelier	4 10 9	Wolcott	14 5 3
Hinesburgh	37 4 0	Cabbot	2 4 0
Northfield	13 5 0	Hyde Park	22 13 9
Goshen	2 16 0	Johnson	32 9 9
Colechester	18 6 6	Cambridge	27 1 9
Burlington	47 9 11	Woodbury	3 10 9
Wildersburgh [Barre]	37 3 9		
			£644 12 5

The above acc^t includes an acc^t Allowed Thomas Butterfield at Manchester in Oct^r 1788 £49 6 2.

Resolved that the foregoing sums be paid by the respective Towns to which they are annexed which is for Cutting roads &c.

JOSEPH FAY Secy.

Te following is a List of the Several Towns assessed by the Governor and Council for the payment of the respective sums Annexed to them for Surveying Town lines Cutting Roads &c. by Ira Allen Esq^r S. Gen^l viz^t.

x Burlington	£42 9 11	Handcock	£23 3 8
x Shelburn	32 14 5	Kingston [Granville]	23 3 8
x Charlottee	24 17 0	Northfield	23 3 8
x Ferrisburgh	23 3 8	Waitsfield	23 3 8
x Panton	23 3 8	Fayston	23 3 8
x Addison	23 3 8	x Colchester	18 6 6
x Bridport	23 3 8	Milton	23 3 8
x Shoreham	23 3 8	x Georgia	23 3 8
Orwell	23 3 8	S ^t Albans	23 3 8
x Benson	23 3 8	Swanton	23 3 8
x Fairhaven	23 3 8	Highgate	23 3 8
Cornwall	23 3 8	Fairfax	53 15 2
Weybridge	23 3 8	Westford	26 11 8
x New Haven	23 3 8	x Essex	12 2 3
x Moncton	23 3 8	x Jerico	44 6 6
Hinesburgh	60 7 8	Underhil	23 3 8
x Williston	23 3 8	Cambridge	50 5 5
N. Huntington	23 3 8	Mansfield ¹	23 3 8
Starksborough	23 3 8	Bolton	66 14 9
Pocock [Bristol]	23 3 8	Waterbury	75 12 8
x Middlebury	23 3 8	Stowe	23 3 8
x Salisbury	23 3 8	Midlsex	79 17 5
Ripton	23 3 8	Montpelier	27 14 5
Lincoln	23 3 8	Calias	23 3 8
Duxbury	23 3 8	Woodbury	26 14 5
Moortown [Bradford]	33 3 8	Hardwick	26 7 8
Berlin	66 3 1	Greensborough	23 3 8
Wildersburgh [Barre]	60 7 5	Minden [Craftsbury]	23 3 8

¹ Annexed to Stowe.

Walden	£23	3	8	Brunswick	£23	3	8
Cabbott	25	7	8	Minehead [Bloomfield]	23	3	8
Marshfield	23	3	8	Lewis	23	3	8
Grotton	23	3	8	Lemington	23	3	8
xRygate	23	3	8	Averil	23	3	8
xBarnet	23	3	8	Warren	23	3	8
xPeacham	23	3	8	Harris Gore	7	14	6
Deweysburgh ¹	11	12	10	Whitlow & Co. ² 10,000 }	11	12	10
Walden Gore	11	12	10	[acres]			
Danville	23	3	8	Topsham	27	3	8
St Johnsbury	23	3	8	Billy Mead [Sutton]	23	3	8
Littleton [Waterford]	23	3	8	Sterling ³	23	3	8
Concord	23	3	8	Johnson	55	13	5
Lynden	23	3	8	Moristown	23	3	8
Wheelock	23	3	8	Hydes Park	45	17	5
Burk	23	3	8	Eden	23	3	8
Victory	23	3	8	Worcester	23	3	8
Lunenburg	23	3	8	Elmore	23	3	8
Guildhall	23	3	8	Wolcott	37	8	11
Granby	23	3	8	Fletcher	28	18	8
East Haven	23	3	8	Fairfield	23	3	8
Newark	23	3	8	Goshen	25	19	9
Westmore	23	3	8	St George 3 ^d [of a town]	7	14	6
Maldston	23	3	8	Whitlow & Co. ² $\frac{1}{2}$ town	11	12	10

MANCHESTER 27th. October 1788.

Resolved that the foregoing Towns named in this list for Surveying Town lines pay £23 3 8 Each, & the Gores and parts of Towns pay in the same proportion—That the Surveyor Gen^l Collect only £2,200—Including the whole Survey & Cutting roads &c. until all accounts relative to said Survey, roads &c. can be Established & fully Adjusted.

Attest,

JOS. FAY Secy.

DEBENTER OF COUNCIL at their Session Holden at Rutland ending August 27th 1788.

Timothy Brownson Esqr £2 15 4, Jacob Bayley Esqr 3 15 4, John Fassett Esqr 3 5 0, Thomas Porter Esqr 2 14 0, Jonathan Hunt Esqr 3 8 8, Ebenezer Walbridge Esqr 2 1 0, Isaac Tichenor Esqr 2 1 0, Jn^o Strong Esqr 2 11 8, Joseph Fay Esqr Secy. 3 5 0, Jonathan Bell Esqr Sheriff, 1 16 0—[Total] £27 13 0.

Attest

JOSEPH FAY Secy.

END OF RUTLAND SESSION.

¹ Divided between Danville and Peacham in 1810.

² Whitelaw & Co.

³ Annexed to adjoining towns.

TWELFTH COUNCIL.

OCTOBER 1788 TO OCTOBER 1789.

THOMAS CHITTENDEN, Williston, *Governor.*

JOSEPH MARSH, Hartford, *Lieutenant Governor.*

Councillors:

TIMOTHY BROWNSON, Sunderland,	THOMAS MURDOCK, Norwich,
JOHN FASSETT, jr., Cambridge,	SAMUEL SAFFORD, Bennington,
PETER OLCOTT, Norwich,	JOHN STRONG, Addison,
JACOB BAYLEY, Newbury,	JONATHAN HUNT, Vernon,
SAMUEL FLETCHER, Townshend,	EBEN ^r WALBRIDGE, Bennington,
THOMAS PORTER, Tinmouth,	ISAAC TICHENOR, Bennington.

JOSEPH FAY, Bennington, *Secretary.*

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SESSION OF THE GENERAL ASSEMBLY HELD AT MANCHESTER, OCTOBER 1788.

STATE OF VERMONT. IN COUNCIL MANCHESTER 9th October 1788.

At a General Election of the Governor & Council and other State officers.

The following are the Journals of Council at their Session Holden at Manchester date above.

JOSEPH FAY *Secy.*

STATE OF VERMONT, IN COUNCIL date above.

At a meeting of His Excellency & Council—

Present His Excellency Thomas Chittenden Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t Timothy Brownson Samuel Safford Thomas Porter Samuel Fletcher Jacob Bayley Peter Olcott John Fassett Ebenzer Walbridge John Strong & Isaac Tichenor Esq^{rs}. Joseph Fay *Secy.* David Robinson *Sheriff.*

On a bill from the House of Assembly appointing a Committee of Fourteen viz^t Mr. Dewey, Mr. Jewit, Mr. Marvin, Mr. [Lemuel] Chipman, Mr. Brush, Mr. Thompson, Mr. Bliss, Mr. Mc Niel, Mr. Speaker

Bradley,¹ Mr. Knoulton, Mr. Jacob, Mr. Burton, Mr. Johnson & Mr. Morey, to join a Committee of Council to receive sort & Count the votes for Governor, Deputy Governor, Treasurer, & Twelve Counsellors, & declare the persons choosen into the several offices, & make report to the House—Resolved that Mr. Tichenor, Mr. Fassett, Mr. Strong, Mr. Brownson, Mr. Walbridge & Mr. Bayley join the above Committee for the purposes above mentioned.

The aforesaid Committee report the following Gentlemen to be duly Elected by the Freemen into the following offices viz^t His Excellency Thomas Chittenden Esq^r. Governor His Honor Joseph Marsh Esq^r. Lt Governor Hon^{ble} Samuel Mattocks Esq^r. Treasurer—

Hon^{ble} Samuel Safford John Strong Jacob Bayley Peter Olcott Isaac Tichenor Timothy Brownson Ebenezer Walbridge Samuel Fletcher Thomas Porter Thomas Murdock Jonathan Hunt & John Fassett Esq^{rs}. [Councillors.]

Adjourned to 9 o'Clock Tomorrow.²

FRIDAY 10th. October 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r & the following Members of the Hon^{ble} Council, Samuel Safford Jacob Bayley Samuel Fletcher Timothy Brownson Peter Olcott Thomas Porter John Fassett Ebenezer Walbridge Isaac Tichenor John Strong, Joseph Fay Sec^y. David Robinson *Sheriff*.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

His Excellency the Governor & Council Attended the House and took the Necessary qualifications required by Law to proceed in their respective offices, after which they returned to the Council Chamber.

The Ballots being called for by His Excellency for the appointment of Secretary to the Council Joseph Fay Esq^r was declared to be duly

¹ Stephen R. Bradley was speaker *pro tempore*, and Gideon Olin speaker for the session.

² The *Vermont Gazette* of Oct. 13 1788 contained the following :

At the General Election holden at Manchester, on Thursday the 9th instant, the arrival of his Excellency in town, under the escort of three companies of cavalry, commanded by Captains Robinson, Hitchcock and Clark, was announced by the discharge of five cannon, by the artillery company, under the command of Captain Harmon; two companies of light infantry, commanded by Captains Todd, and Gray, were on the parade, and saluted the Governor as he passed. Lieut. Col. Keys, of Manchester, being appointed Officer of the day, took command of the troops, and performed such military manœuvres, as did them much honor; after which, a sermon well adapted to the occasion, was delivered by the Rev. Mr. Sill, of Dorset. Declaration being made that his Excellency THOMAS CHITTENDEN, Esq; was elected Governor for the ensuing year, and his Honor JOSEPH MARSH, Esq; Lieut. Governor, the troops were again called to order, and fourteen cannon discharged. The military scene closed by a *feu-de-joy* by the Cavalry and light Infantry. The whole business of the day was concluded with the utmost good order and regularity, and all retired in perfect harmony.

*† The general voice of the freemen, in the choice of the Officers of government for the year ensuing was very remarkable.—The suffrages for his Excellency the Governor, were nearly unanimous.

Elected for the year ensuing who took the necessary oath to qualify him for that office.

Adjourned to 9 o'Clock Tomorrow.

SATURDAY 11th. October 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t Samuel Safford Jacob Bayley Peter Olcott Timothy Brownson John Fassett John Strong Samuel Fletcher Ebenezer Walbridge Isaac Tichenor & Thomas Porter Esq^rs. Joseph Fay Esq^r. Sec^y. David Robinson Sheriff.

On a bill from the House appointing Mr. Dewey, Mr. Marvin, Mr. Painter, Mr. [Ira] Allen, Mr. Bradley, Mr. Safford & Mr. Loomis a Committee to join a Committee of Council to prepare the necessary arrangements of the business the present Session, Resolved that Mr. Strong Mr. Safford & Mr. Olcott join the above Committee.

In consequence of application by the Hon^{ble} President Wheelock for the Charter of Incorporation of the Township Granted to Dartmouth College. Resolved that the Conditions & Reservations to be Entered in the Charter of Incorporation for the Township of Land Granted by the Legislature of this State to the President & Trustees of Dartmouth College and Moors Charity School be as follows viz^t that one hundred and Fifty acres of Land be reserved for the use benefit & support of the Ministry of the Gospel in s^d. Town forever, one hundred & fifty acres for the use & support of an English School or Schools in said Town, on Good Tenable Land as the Situation thereof will admit & that the Sec^y. be & he is hereby directed to make out a Charter of s^d. Township by the name of *Santa Maria* & that the same be Exempt from public Tax so long as the rents & Profits of s^d. Township be appropriated for the purposes for which it was Granted. On further consideration Mr. President [Wheelock] altered the name of s^d. Township from *Santa Maria* to that of *Wheelock*.

Adjourned to 10 o'Clock Monday next.

MANCHESTER 13th October 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Samuel Safford Timothy Brownson Jacob Bayley Peter Olcott Thomas Porter John Strong Samuel Fletcher John Fassett Ebenezer Walbridge & Isaac Tichenor Esq^rs. Joseph Fay Esq^r. Sec^y. David Robinson Sheriff.

The Petition of Joseph Kimbel [Kimball of Plainfield, N. H.] praying for a new Tryal in a Certain cause therein mentioned having been read in the House & a Committee appointed thereon, Resolved that Mr. Fassett & Mr. Safford join s^d. Committee.

On a bill from the House appointing a Committee to join a Committee of Council to Take under Consideration the second Article in the arrangement to make Provision [provision], for Supplying the Treasury, Resolved that Mr. Olcott Mr. Bayley & Mr. Fletcher join s^d. Committee.

Adjourned to 9 o'Clock Tomorrow.

TUESDAY, Manchester, 14th. October 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. & the following Members of the Hon^{ble} Council, Hon^{ble} Samuel Safford Jacob

Bayley Timothy Brownson Thomas Porter Samuel Fletcher John Fassett John Strong Ebenezer Wallbridge Isaac Tichenor & Peter Olcott Esqrs. Joseph Fay Esqr. Secy. David Robinson Sheriff.

His Excellency & Council joined the General Assembly in a Grand Committee agreeable to the order of yesterday for the purpose of appointing County officers. Having completed for the present the business the Committee Adjourned to 8 o'clock Thursday Morning next.

An act Forming the Probate district of *Fairhaven* in the County of Rutland having passed the House of Assembly was read & Concurred.

An Act Granting to Col^o. Matthew Lyon Liberty to make a Lottery having passed the General Assembly was read & Concurred.¹

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

A Petition Sign^d. John Grant praying for Pay for his Company while in Service in Col^o. Warners Regiment on acct^d of Loosing the money which he had rec^d. to pay s^d. Company, his being plundered by the Enemy, having been read in General Assembly & a Committee appointed thereon to join a Committee of Council, Resolved that Mr. Walbridge join said Committee.

Adjourned to 9 o'clock Tomorrow.

WEDNESDAY 15th. October 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. Govr. & the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Samuel Safford Jacob Bayley Timothy Brownson John Fassett Peter Olcott Thomas Murdock Thomas Porter Samuel Fletcher John Strong & Isaac Tichenor Esqrs. Joseph Fay Esqr. Secy. David Robinson Esqr. Sheriff.

IN GENERAL ASSEMBLY 15 Oct^r. 1788.

Resolved that the last Thursday of November next be observed as a day of Public *Thanksgiving* throughout this State—and that the Governor & Council be requested to Issue a Proclamation Accordingly.

A true Extract from the minutes.

Attest STEPHEN JACOBS, Clerk.²

The above is a true Copy Recorded. JOSEPH FAY, Secy.

An act Forming Districts of Probate viz^t. *Fairhaven*, *Randolph*, & *Chittenden*, having passed the Gen^l. Assembly, was read & Concurred.

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

Resolved that Mr. Tichenor & Mr. Secy. Fay be & they are hereby appointed to make a draught of a Proclamation for a *Thanksgiving* to be published agreeable to the directions of the General Assembly.

The Petition of Asa Whitcomb & associates praying for Compensation on account of Lands falling short in the Towns of Hancock & Pittsfield, having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that Mr. Porter join said Committee.

An act to Levy a Tax of 2^d. on the acre on all the Lands in the Township of Fairhaven for the purpose of repairing Roads building Bridges &c. having passed the General Assembly was read & Concurred.

¹ The purpose was "to enable him to erect a furnace."

² Roswell Hopkins having been elected Secretary of State, Mr. Jacobs succeeded him as Clerk of the Assembly.

An Act dividing the Township of Wardsborough having passed the General Assembly was read & Concurred.

On motion of Mr. Benjamin Holt Requesting a deed from David Castle to Benjamin Holt, for one Right of Land in Arlington, Lodged in the hands of Mr. Secretary Fay—Resolved that the Sec^y be & he is hereby directed to Deliver s^d. Deed to Col^o. Matthew Lyon, & also deliver Mr. Holt one other deed of a Piece of Land in Old Wallingford in Connecticut which is also Lodged with said Sec^y. among other papers of Confiscated Property.

On Motion made by Mr. Caleb Dayton, Resolved that in the Opinion of this Council said Dayton had no advantage of a certain [confiscated] tract or Farm of Land in Arlington, Late the Property of Doctor Samuel Adams, Leased to him in the year 1777 by Washburn & Willoughby, & that said Washburn be & he is hereby directed to deliver up said Daytons note of about £12 which was given for the rent of said Farm.

A petition from Colonel Matthew Lyon praying for the Exclusive Right of Slitting Barr-Iron into Nail rods for Eighteen years in the County^s on the west side of the Green Mountains, Having been read in General Assembly & Mr. Marvin, Mr. Hazen, Cap^t L. Smith, Mr. C. Smith & Mr. Hubbard appointed as a Committee to join a Committee of Council, Resolved that Mr. Murdock join said Committee.

A petition signed Samuel Pennock praying for some obligations to be given up having been read in General Assembly & a Committee appointed thereon to join a Committee of Council, Resolved that Mr. Bayley join s^d. Committee.

Adjourned to 9 oClock Tomorrow.

IN COUNCIL THURSDAY 16 Oct^r. 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esquire Gov^r. & the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Samuel Safford Jacob Bayley Timothy Brownson Samuel Fletcher John Fassett Thomas Murdock Peter Olcott Thomas Porter John Strong Isaac Tichenor & Ebenezer Walbridge Esq^{rs}. Joseph Fay Esq^r. Sec^y. David Robinson Esq^r. Sh^{ff}.

An Act to Enable Mary Campbel of Cornwall in the County of Addison to take Possession of and become *sole heir* to all the Estate Real & personal of Robert Castlow [Castilow] late of Rutland Dec^d. (her Natural Son) having been passed in General Assembly was read and Concurred.

Adjourned to 2 oClock P: M:

Met according to Adjournment.

The Hon^{ble} Jonathan Hunt Esq^r. having taken the Necessary qualifications took his seat in Council.

An act for admitting Mr. Charles Marsh [of Woodstock] as an Attorney at the Barr having passed the General Assembly was read & Concurred.

Adjourned to 9 oClock Tomorrow.

MANCHESTER 17 October 1788.

FRIDAY, IN COUNCIL date above.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Samuel Safford Ja-

cob Bayley John Strong Peter Olcott Samuel Fletcher John Fassett Timothy Brownson Thomas Porter Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r. Secy. D. Robinson Esq^r. Sheriff.

On a bill from the House appointing Mr. Dewey, Mr. Williams, Mr. Painter, Mr. I. Allen a Committee to join a Committee of Council to take under Consideration the Listers Act. Resolved that Mr. Olcott, Mr. Walbridge & Mr. Porter join said Committee.

An act admitting *Jedediah Parker Buckingham* [of Thetford,] as an Attorney in the County of Orange having passed the General Assembly was read & Concurred.

On a Bill from the House appointing a Committee of Two from Each County viz^t Mr. I. Smith, Mr. Camfield [Canfield,] Mr. Burnham, Mr. Williams, Mr. Thompson, Mr. Painter, Mr. McNeil, Mr. Ira Allen, Mr. Knoulton, Mr. Freeman, Mr. Joel Marsh, Mr. Heald, Mr. Harvey & Mr. Loomis to join a Committee of Council to take under consideration the mode of Establishing Town lines; Resolved that five Members be appointed to join said Committee. Members choosen, Mr. Fassett, Mr. Strong, Mr. Tichenor, Mr. Bayley & Mr. Hunt.

An act for laying a Tax of one penny on Each acre of Land in the Township of Charlotte for the purpose of repairing roads building Bridges &c. having passed the General Assembly was read & Concurred.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

On a bill from the House appointing a Committee, viz^t Col^o [Gideon] Brownson, Mr. Asahel Smith, Mr. Barnum, Mr. Ebr. Allen, Mr. Roberts, Mr. Heald, & Mr. Paine, to join a Committee of Council to take into Consideration the petition of the People of Woodstock & Rockingham who are Ejected—Resolved that Mr. Strong & Mr. Fletcher join s^d. Committee.¹

On a bill from the House appointing Col^o [Thomas] Johnson, Col^o Ira Allen, Judge Harvey, Maj^r Parkhurst, & Mr. Loomis a Committee to join a Committee of Council to Consider the Petition of Joseph Kimbel [Kimball] vrs. Rowland Powel—Resolved that Mr. Bayley and Mr. Fassett join the said Committee.

Adjourned to 9 o'Clock Tomorrow.

SATURDAY IN COUNCIL 18 October 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. & the following Members of the Hon^{ble} Council viz^t Hon^{ble} Samuel Safford Tim^o. Brownson Thomas Porter Peter Olcott Samuel Fletcher Thomas Murdock John Fassett Ebenezer Walbridge Isaac Tichenor Jonathan Hunt & Jn^o. Strong Esq^{rs}. Joseph Fay Esq^r. Secy. D. Robinson Esq^r. Sheriff.

An act dividing the Township of Athens into two Parishes having passed the General Assembly was read & Concurred.

An Act Levying a Land Tax on the Township of Cornwall, of one penny on the acre, having passed the General Assembly was read & Concurred.

¹ Certain persons purchased of the State confiscated lands in Woodstock, formerly the property of Charles Ward Apthorp, and others purchased confiscated lands in Rockingham, and had been ejected by Timothy Lovell. They therefore asked relief from the State.

An Act Levying a Tax of one penny p^r. acre on all the Land in the Township of Shelburn having passed the General Assembly was read & Concurred.

An Act Levying a Tax of Two pence p^r. acre on all the Land in the Township of Shoreham, having passed the General Assembly was read & Concurred.

The petition of Jonathan Holton having been read in the General Assembly & Mr. Brownson, Mr. A. Smith, Mr. Barnum, Mr. Eben^r. Allen, Mr. Roberts, Mr. Heald, & Mr. Paine appointed to join a Committee of Council to Take the Same under Consideration, praying relief on account of the purchase of Confiscated Land of the Commissioners, and Being Ejected, Resolved that Mr. Strong & Mr. Fletcher join said Committee.

The petition of the Inhabitants of Woodstock Relative to Abthorps [Apthorp's] Land is also refered to the above Committee.¹

Adjourned to 10 o'Clock Monday next.

MONDAY MANCHESTER IN COUNCIL 20th. October 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Timothy Brownson Samuel Safford Jacob Bayley Peter Olcott John Fassett Thomas Murdock Samuel Fletcher John Strong Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r. Secy. D. Robinson Esq^r. Sheriff.

An Act for Holden the Supreme Court in Chittenden County, having Passed the General Assembly was read & Concurred.

An Act for Levying a Tax on Each acre of Land in the Township of Williston having passed the General Assembly was read & Concurred.

An Act Laying a Tax of Two pence on Each acre of Land in the Township of Cambridge having passed the General Assembly was read & Concurred.

An Act Laying a Tax of two pence on Each acre of Land in the Township of Brumley [Peru] & Landgrove having passed the General Assembly was read & Concurred.

An Act Laying a Tax of one penny on each acre of Land in the Township of Lemmington having passed the Gen^l Assembly was read & Concurred.

An Act Laying a Tax of one Penny on Each acre of Land in the Township of Leicester having passed the General Assembly was read & Concurred.

An Act Laying a Tax of one [penny] on each acre of Land in the Township of Moncton, having passed the General Assembly was read & Concurred.

Adjourned to 9 o'Clock Tomorrow.

TUESDAY 21st October 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Samuel Safford Jacob Bayley Peter Olcott Thomas Murdock Tim^o. Brownson Samuel Fletcher Thomas Porter John Strong Jonathan Hunt Isaac Tichenor & John Fassett Esq^{rs}. Joseph Fay Esq^r. Secy. David Robinson Esq^r. Sh^{ff}.

¹ Both petitions had been referred on the preceding day.

An Act Granting a New Tryal to Joseph Kembal [Kimball] having passed the General Assembly was read & Concurred.

An Act repealling an act for the Transfer of the Treasury having passed the General Assembly was read & Concurred.

An Act Taxing the Land in Jerico one penny p^r acre having passed the General Assembly was read & Concurred.

The Governor, Council & General Assembly joined in Grand Committee for the purpose of appointing a Brigadier General to Command the third Brigade of Militia in this State, His Excellency the Governor in the Chair, Joseph Fay Esq^r Clerk. The Ballots being taken, The Hon^{ble} Paul Brigham Esq^r was declared to be duly Elected to the aforesaid office.

On a Bill from the House appointing Mr. Bradley, Mr. Paine & Mr. Dewey, a Committee to join a Committee of Council to take under Consideration the making an act for the Transferring the papers, accompts, & Money of the Late Treasurer—Resolved that Mr. Safford & Mr. Tichenor join s^d. Committee.

An Act for Granting a Lottery for the purpose of Raising Money to Compleat Building Windsor County Grammer School House, having passed the General Assembly was read & Concurred.

An Act dividing the Two Heroes into two Seperate Towns having passed the General Assembly was read & Concurred.

An Act to Prevent the destroyng of Deer, having passed the General Assembly was read & Concurred.

An Act in addition to Milton Tax bill, having passed the General Assembly was read & Concurred.

An Act Laying a Tax of two pence on Each acre of Land in the Township of Underhil having passed the General Assembly was read & Concurred.

An act for the purpose of Allowing ofsetts in Courts of Justice, having passed the General Assembly was read & Concurred.

Adjourned to 2 oClock P. M.

Met according to Adjournment.

An Act Laying a Tax of one penny on each acre of Land in Starksborough having passed the General Assembly was read & Concurred.

Adjourned to 9 oClock Tomorrow.

WEDNESDAY 22^d. October 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Tim^o. Brownson Jacob Bayley Samuel Fletcher Peter Olcott Thomas Murdock John Fassett Thomas Porter Isaac Tichenor Samuel Safford Samuel Fletcher John Strong Ebenezer Walbridge & Jonathan Hunt Esq^r. Joseph Fay Esq^r. Secy. David Robinson Esq^r. Sh^{ll}.

The Governor, Council & General Assembly joined in Grand Committee, Agreeable to their Adjournment yesterday. The following is a Copy of their Proceedings.

“STATE OF VERMONT MANCHESTER 21th October 1788.

“His Excellency the Governor, The Hon^{ble} Council and Hon^{ble} General Assembly met in a Grand Committee of both Houses—His Excellency the Governor in the Chair—Joseph Fay Esq^r Clerk.

1st “The Committee Proceeded agreeable to the assignment of yesterday to Elect a Brigadier General of the third Brigade. On motion

of Capt. Dewey the vote was called when the Hon^{ble} Paul Brigham Esqr. was declared to be duly Elected.

"On motion of Doct^r. Marvin. Resolved that a Committee from Each County be appointed to draw up Instructions for our Agents to Congress. Members choosen Mr. Speaker Olin, Mr. Bradley, Mr. Porter, Mr. Jacobs, Mr. Paine, Mr. Strong & Mr. Allen.

"Adjourned to 9 o'Clock Tomorrow.

"Wednesday 9 o'Clock Committee met according to Adjournment.—The Sub Committed [committee] made their report as follows which was read and accepted—see the report of Committee on file.¹

"The Ballots being Taken for the first Agent to Congress the Hon^{ble} Moses Robinson Esqr. was declared to be duly Elected.

"The Ballots being taken for the second Agent to Congress the Hon^{ble} Ira Allen Esqr. was declared to be duly elected.

"The Ballots being taken for the 3^d Agent to Congress The Hon^{ble} Jonathan Arnold Esqr. was declared to be duly Elected.

"The Committee then Desolved.

JOSEPH FAY, Clerk."²

An act enabling the Proprietors of Manchester to Pitch their undivided Land in said Township, having passed the General Assembly was read & Concurred.

An Act in addition to an act entitled an act for the Regulating of fees having passed the General Assembly was read & returned to the House with proposals of amendment.

On Motion of Capt. Strong Resolved that the Secretary of Council be & he is hereby directed to Issue the Charter of Incorporation to Timothy Andrus & associates for the Towhship of Land Granted S^d. Andrus Lying East of Lake Memphramagog Agreeable to the bounds Given by James Whitelaw Esqr. Surveyor General by the Name of *Derby*, making the usual Reservations & Restrictions.

An Act against Breaking the Peace having passed the General Assembly was read and Concurred.

An Act Laying a Tax of two pence on each acre of Land in the Township of Salisbury, having passed the General Assembly was read & Concurred.

An Act in addition to an Act to Regulate the paying of Money raised by Taxes for making Roads Bridges &c., having passed the General Assembly was read & Concurred.

Adjourned to 2 o'Clock P: M:

Met according to Adjournment.

An act directing certain persons named therein to diliver up certain Obligations to Samuel Pennock, having passed the General Assembly was read & Concurred.

An Act repealling a certain clause in an Act [of 1779] Enabling a Member of Council to Set [sit] as a Judge in the Supreme Court, having passed the General Assembly was read & Concurred.

¹ No report of instructions at this date is to be found in the journal of either House, or elsewhere. The form of a commission to agents to Congress was subsequently adopted, and also a resolution making it the duty of the agents "to use all due diligence to remove every obstacle to the accession of this State to the Federal Government." Probably these were in conformity to the report of the committee.

² The *Assembly Journal* shows that James Whitelaw was at the same time elected Surveyor General.

An Act for entering certain Actions in the County of Windham, having passed the General Assembly was read & Concurred.

On a Bill from the House [appointing] Mr. Israel Smith, Mr. Bradley, & Mr. Knoulton a Committee to join a Committee of Council to make out a Commission for the Agents to Congress—Resolved that Mr. Tichenor join said Committee.

An Act altering the name of *Turnersburgh* to that of *Chelsey* having passed the General Assembly was read & Concurred.

An act [providing for] Posthumas [posthumous] children & children not named in any last will & Testament having passed the Council, was sent to the General Assembly, Recommending that they pass the same into a Law of this State.

An Act Laying a Tax of one penny on Each acre of Land in the Townships of Cornwal & Midlbury having passed the General Assembly, was read and returned to the House with proposals of amendment.

An Act authorizing the Constable of Peacham to Collect the Ten shilling [tax on each hundred acres of land, granted in 1781,] having passed the General Assembly was read & Concurred.

An Act in Explanation of an Act Entitled an Act for enabling [communities] to sue for & defend their Rights & Interest having passed the Gen^l Assembly was read & Concurred.

Adjourned until Tomorrow 9 oClock.

THURSDAY 23^d October 1788.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r and the following Members of the Hon^{ble} Council viz^t Hon^{ble} Timothy Brownson Samuel Safford Jacob Bayley Samuel Fletcher Peter Olcott Thomas Murdock John Fassett Thomas Porter John Strong Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs} Joseph Fay Esq^r Sec^y. D. Robinson Esq^r Sheriff.

An Act in addition to an Act Regulating Proprietors meetings, having passed the General Assembly was read & Concurred.

An act enabling the first Constable of Moortown [Bradford] to Collect the Ten shilling Tax [of 1781 on each hundred acres] having passed the General Assembly was read & Concurred.

An Act Altering the Name of Moortown to that of *Bradford* was read & Concurred having passed the General Assembly.

An Act Levying a Tax of Five pence on the Pound on all the ratable estate in this State was read & returned to the General Assembly with proposals of amendment: on Reconsideration read & Concurred.

An Act directing the mode of Process against the Sheriffs Bonds, was read & returned to the General Assembly with proposals of Amendment.

Adjourned to 2 oClock P: M:

Met according to Adjournment.

A Constitution of the City of Devergeens [Vergennes] having passed the General Assembly was read & Concurred with two amendments which was agreed to.

Hon^{ble} General Olcott moved to Council for Leave of absence during the Present Session which was accordingly Granted.

Adjourned to 9 oClock Tomorrow.

MANCHESTER 24 October 1788.

FRIDAY IN COUNCIL date above.

Met according to Adjournment.

Present His Excellency Thomas Chiltenden Esq^r and the following Members of the Hon^{ble} Council—Hon^{ble} Timothy Brownson Samuel Safford Jacob Bayley Samuel Fletcher Thomas Murdock John Fassett Thomas Porter John Strong Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r Sec^y. D. Robinson Sheriff.

A message from the House was rec^d requesting the Governor & Council to join in a Committee of both Houses, for the purpose of Electing an Agent to Congress in Lieu of Hon^{ble} Ira Allen Esq^r. who is Excused. The Governor & Council Attended accordingly, & formed into a Committee of the whole—His Excellency the Governor in the chair, Joseph Fay Esq^r. Clerk.

The Ballots being taken the Hon^{ble} Isaac Tichenor Esq^r. was declared to be duly elected.

The Committee then dissolved.

JOSEPH FAY Clerk.

An act laying a Tax of one penny on Each acre of Land in the Towns of Woodbury & Hardwick having passed the General Assembly was read & Concurred.

An act Laying a Tax of Ten shillings on the Right on all the Land in the Township of Greensborough, having passed the General Assembly was read & Concurred.

An Act Laying a Tax of one penny on Each acre of Land in the Township of Cabbot, having passed the General Assembly, was read & Concurred.

An Act laying a Tax of Two pence on the acre on all the Land in the Township of Minden, [Craftsbury,] having passed the General Assembly was read & Concurred.

The Honorable Samuel Mattocks Esq^r. as Principle & the Hon^{ble} John Strong & Nathaniel Chipman Esquires, as sareties, appearing acknowledge themselves jointly & severally recognized & firmly bound and obliged to the Secretary of State, in the Sum of *Ten Thousand Pounds* L. Money, & that for the faithfull payment of the said sum, they and their Heirs are jointly & severally firmly bound, Conditioned in the following Manner viz^t That if the above bound Samuel Mattocks shall faithfully Execute and discharge the duty of Treasurer for the State of Vermont for the year Ensuing, so that no damage be sustained to the public or any Individual, in said office of Treasurer, that then this obligation be void otherwise to remain in full force & Effect in Law.

Attest, JOSEPH FAY Sec^y.

The aforesaid Samuel Mattocks Esq^r. was accordingly duly qualified by Taking the Necessary Oaths before the Governor.

Attest, JOSEPH FAY Sec^y.

On application of Major *Elias Buel* for a Charter of Incorporation for the Township of Coventry, Granted on the 4th. of Nov^r. 1780 & in 1784, & that his bond with Col^o. Ira Allen be rec^d. made to the Treasurer of this State for three hundred and Twenty six pounds Eighteen shillings & Six pence which yet remains due for the Granting fees of said Township—Resolved that the Secretary of Council be & he is hereby directed to Issue a Charter accordingly Taking said bonds payable in one year from this date in Securities of this State & if not paid by the time, to be paid in Solid Coin with Interest after due if not paid.

£326 18 6.

Attest JOSEPH FAY Sec^y.

An Act Laying a Tax of Two pence on the acre on all the land in Westford having passed the General Assembly was read & Concurred.
Adjourned to 2^o Clock P: M.

Met according to Adjournment.

An Act in addition to an Act on the Land Tax bill for Jamaca & Wardsborough, having passed the General Assembly was read & Concurred.

An Act Granting a Tax of one penny half penny on Each acre of Land in the Township of Woodford having passed the General Assembly was read & Concurred.

An Act relating to Estates that have been Confiscated by this State having been passed in General Assembly was read & Concurred.

James Whitelaw Esqr. appeared before the Governor & Council & took the Necessary oath to qualify him to Serve as Surveyor General for the State of Vermont for the year Ensuing.

The petition of James Whitelaw Esqr. W. Coit & [James] Savage praying that they have Liberty to *Insert* in their Charter of Incorporation of the Township of Land Granted them in October last, that Each associate Enter in said Charter, that Each Proprietor be Entitled to so many equal Shares as shall be affixed to Each proprietor so entered.—*Granted.*

An Act for the purpose of Levying a Tax of two pence on the pound in the County of Windham, having passed the General Assembly was read & Concurred.

On the Petition of Benjamin Whipple & others—Resolved that the Fines Laid on the Rioters by the Supreme Court in Rutland County in August 1786 be & they are hereby suspended from being collected for one year from this date.

An Act Granting a Tax of 1^d on the pound in the County of Rutland, having passed the General Assembly was read and Concurred.

An Act Laying a Tax of two pence on Each acre of Land in the Townships of Berlin & Montpelier, having passed the General Assembly was read & Concurred.

An Act Granting the City of Devergeens [Vergennes] Town privileges having passed the General Assembly was read & Concurred.

An Act relinquishing Wallingford Gore from paying Town Taxes, having passed the General Assembly was read & Concurred.

An Act Granting a New Tryal to Stephen Olin & Pennel Stevens, having passed the General Assembly was read & Concurred.

An Act altering the lists Act having been read & passed the General Assembly was read in Council & Concurred.

An Act Enabling Ozias Clark administrator on the Estate of Capt. Elisha Clark Dec^d to Execute a deed of one hundred acres of Land in the Township of Orwell, having passed the General Assembly was read & Concurred.

An Act Granting a penny on the pound [tax] in the County of Windsor, having passed the General Assembly was read & Concurred.

Adjourned to 7^o Clock Tomorrow.

MANCHESTER 25 October 1788.

SATURDAY IN COUNCIL date above.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esqr. and the following Members of the Hon^{ble} Council viz^t Hon^{ble} Tim^o. Brownson Samuel Safford Jacob Bayley Thomas Murdock John Fassett Thomas Porter John

Strong Ebenezer Walbridge Jonathan Hunt & Isaac Tichenor Esq^{rs}.
Joseph Fay Esq^r. Sec^y. D. Robinson Esq^r. Sheriff.

An Act or Resolution of Assembly declaring that the former Act passed March 1787 relative to the disposal of moneys raised by Taxes for making & repairing roads, Bridges &c. shall not effect [affect] the act passed the present Session Laying a Tax on Fair Haven, having passed the General Assembly was read & Concurred.

On application made by Isaac Tichenor and Joseph Fay Esq^{rs}. requesting that a Charter be Granted of the Township of Land Granted to Col^o Andrew Adams & Company in 1780 by the name of Sheffield—Resolved that the Name of Noah Smith Esq^r. be Entered in said Charter in Lieu of s^d. Andrew Adams & that the Secretary of Council be & he is hereby directed to Issue s^d. Charter Entering such names as the Governor shall direct in a List Given said Sec^y. JOS. FAY Sec^y.

Resolved that the Hon^{ble} Samuel Safford be & he is hereby appointed to Attend on the Treasurer to receive & Rec^d in behalf of the Members of Council, Sec^y. & Sheriff, their Debenter for the present Session, which is to be paid Agreeable to the assessment of the General Assembly.

On motion of Major Hunt—Resolved that in making out the Charter for the Township Granted to Major Jonathan Hunt & Company that Each proprietor shall be entitled to such Number of Equal shares as shall be entered to Each respective Name—that the Secretary of Council be & he is hereby directed to Issue said Charter under the Seal of the State as soon as he shall be certified by the Treasurer that s^d. Hunt has Complied with the Resolutions of Assembly in paying the Granting fees of said Township.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

Having Debated on Sundry Bills & others business, the Assembly having dissolved, the Council Adjourned to 10 o'Clock Monday next.¹

¹ Probably the principal debate of that afternoon session was on a bill from the House entitled "An act declaring a certain fraudulent instrument, purporting to be a charter to Ira Allen, Esq. and associates therein described, null and void." This bill is not noticed in the Council Journal. An account of this affair will be found in an appendix.

From the *Assembly Journal*:

Oct. 24 1788.—Resolved That his Excellency receive as a salary from this State, for his services for the ensuing year, the sum of one hundred pounds lawful money; and that the Treasurer be, and he hereby is directed, to pay him the said sum accordingly.

Oct. 25.—Voted, That the Treasurer have one hundred and twenty pounds as a salary for the year passed—and he is hereby empowered to receive the same out of the treasury of this State.

Voted, That his Excellency the Governor receive from the treasury, in part pay of his last year's salary, in specie, the sum of nine pounds lawful money.—That each member of Council receive the whole of his debenture, (except one dollar to each, which shall be paid by the Treasurer in hard money orders,) in like money.

After prayer by Rev. Joseph Cornall, the Assembly postponed all unfinished business to the next session, and adjourned without day.

MANCHESTER MONDAY 27th. October 1788.

Met according to Adjournment.

The Council proceeded to take under their consideration sundry accounts Exhibitted by Col^o. Ira Allen Late Surveyor General.

An accompt Allowed Mr. Thadeus Munson for the use of the Chamber &c. and an order drawn on the Treasurer for Nine pounds hard Money Orders. £9 0 0. JOSEPH FAY Secy.

An order drawn on the Treasurer in favour of Joseph Fay, for County Commissions &c. for the sum of six pounds five shillings & six pence. £6 5 6.

Adjourned to 7 o'Clock Tomorrow.

MANCHESTER 28 October 1788.

TUESDAY IN COUNCIL date above.

Met according to adjournment.

After debating Relative to the Surveyor Generals accounts, and passing an account of £8 19 9 for the discharge of the Bill of Col^o. Keyes for Supplying the Troops and Entertaining the Clergy on the day of General Election and an order drawn on the Treasurer directing him to pay the Same in Silver Money,[Adjourned without day.]¹P: S. The acc^{ts}. of the Surveyor General being partly digested you will please to turn to the journals of Council at their Session Holden at Ratland on the 27th Day of August last, Entered in this book Page 405.¹

JOS. FAY Secy.

[REPORT OF LAND COMMISSIONERS.]

The following is the Returns of the Board of Commissioners for Locating the Lands Granted by this State as made by them to the Governor and Council Agreeable to Law.

STATE OF VERMONT SHAFTSBURY March 15th. 1788.To His Excellency the Governor & Hon^{ble} Council of said State—The Subscribers Commissioners appointed by the Honorable General Assembly agreeable to their Act of the 26 of October 1787 for the purpose of Locating Grants of Land made by the authority of this State, which are not yet chartered, Having in all things attended the directions of said act & duly Examined the said several Grants with respect to their Priority & right of Location, & attended to the evidence & arguments of the several Claimants, in the premises, *Do order* and *Decree* that their Locations to be in the following places & order viz^t.—To the Proprietors of a Grant to the Hon^{ble} John Throop Esqr. Captain Steel Smith & Company the 4 of November 1780 Seven thousand Eight hundred & sixty Eight acres of Land as Marked* part of Warren N^o. 11 there being that quantity of Land taken off from s^a. Grant by the charter of Lincoln.To the Proprietors of a Grant made to Colonel Andrew Adams, Mr. Stephen Kingsberry & Com^s. a Township equal to a tract six Miles Square as Marked *Sheffield* on the plan herewith Exhibited Granted November 4 1780.¹The adjournment without day was entered on the record, but was erased (by mistake undoubtedly) when the *post scriptum* was entered.²This reference of course is to the manuscript journal.—See *ante* p.

* Referring to a plan Exhibited with this return.

To the Proprietor of a Grant made to Major Elias Buel & Com^y. the 4th November 1780, a tract as Marked *Coventry* on the plan to Contain 19391 Acres to Compleat their Grant.

To the Proprietors of a Grant made to Col^o. Ira Allen & associates a tract equal to six miles Square Granted February 23^d. 1781, to be Chartered as Marked *Irassburgh* on the plan.

To Col^o. Henry Emanuel Lutterloh, [Lutterloth.] Major Thomas Coggsell [Cogswell] & Company Granted June 27th 1781 a tract equal to six miles Square as marked *Lutterloh* [Albany] on the plan.

To General John Glover, John Patterson & Company a tract six Miles square Granted June 27 1781, to be Chartered as Marked *Glover* on the plan.

To Col^o. William Barton & Company a Tract six miles square as marked *Barton* on the plan, Granted October 23^d. 1781.

To Nathan Fisk Esq^r. & Company, George Duncan Esq^r. & Company, a tract six miles square as Marked *Duncansburgh* [or borough, being Newport.] on the plan Granted October 23^d. 1781.

To Timothy Brown & Daniel Brown Esquires & Company a tract equal to six miles square to be chartered in the Pieces as Marked *Brown-ington* on the plan.

To the Moheakunnuck [Muhheakunnuck] Tribe of Indians a tract of Land equal to six miles square as Marked *Marshfield* on the plan, Granted October 16 1782.

To the Trustees of Dartmouth College & the President of Moors Charity School a tract of Land equal to six miles square as Marked *Wheelock* on the plan, Granted 14th. June 1785.

To James Whitelaw, James Savage, William Coit & associates a tract of Land equal to six miles to be Chartered in three different Pieces as Marked *Whillow & Co.* on the plan, & in case [of] a deficiency to include an equivalent on unlocated lands to Compleat in all the contents of 23,040 acres Including all the Islands in Lake Champlain, Ungranted by Vermont, to the deepest channel of the Lake Westward—Granted October 26 1787.

To Luke Knoulton Esq^r. 10,000 acres of Land as Marked *Knoulton* on the plan, Granted Feby 28th. 1787.

To John Kelley Esq^r. sixty nine Thousand and 100 acres of Land Granted March 25 1787 to be chartered as Marked *John Kelley Esq^r.* on the plan.

To Doct. Roswell Hopkins Eleven Thousand & 264 acres in such part of the Gore Marked *Hopkins Gore* as he shall choose, Granted Oct. 27th. 1787.

To Wid^o. Hester Warner Granted Oct. 20 1787 2000 acres of Land as Marked *Warner* on the plan.

To Capt. John Powel [John Powell, William Douglass] &c. & Company Eleven Thousand Six hundred acres of Land as Marked *Goshen* in two places to make up the deficiency of their Grant, Granted February 23^d. 1782.

Signed by

GIDEON OLIN
SAMUEL KNIGHT
PAUL BRIGHAM
SAMUEL MATTOCKS
ALEXANDER HARVEY
LEMUEL CHIPMAN

} Commissioners.

True Copy Recorded.

Attest

JOSEPH FAY Sec^y.

DEBENTER OF COUNCIL at their Session Held at Manchester 25
October 1788.

Hon^{ble} Tim^o. Brownson £5 13 4, Samuel Safford Esq^r. 6 7 0, Jacob Bayley Esq^r. 7 19 0, John Fassett Esq^r. 8 2 4, Peter Olcott 5 15 0, Thomas Porter Esq^r. 6 7 4, Thomas Murdock Esq^r. 5 7 0, John Strong Esq^r. 7 5 0, Ebenezer Walbridge 5 19 4, Jonathan Hunt Esq^r. 4 19 8, Samuel Fletcher 6 8 0, Isaac Tichenor 6 6 4, Joseph Fay Secy. 8 0 4, D: Robinson Sheriff 5 9 4—[Total] £89 19 0.

Attest

JOSEPH FAY Secy.

DEBENTER OF COUNCIL at Manchester after the Rising of the Assembly in October 1788 for settling the accounts of the Surveyor General.

Hon^{ble} Timothy Brownson £1 1 0, Jacob Bayley 1 1 0, Samuel Safford 1 1 0, Thomas Porter 1 1 0, Ebenezer Walbridge 1 1 0, Jonathan Hunt 1 1 0, Isaac Tichenor 1 1 0, Thomas Murdock 14 0, Joseph Fay 1 7 0—[Total] £9 8 0.

JOSEPH FAY Secy.

END OF OCTOBER SESSION 1788.

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION AT FAIRHAVEN 5th MARCH 1789.

IN COUNCIL date above Convened by special orders from His Excellency—

Present His Excellency Thomas Chittenden Esq^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Samuel Safford John Fassett Thomas Porter Timothy Brownson Ebenezer Walbridge Esq^{rs}. Joseph Fay Esq^r. Secy. Joel Hammliton D. Sheriff.

Adjourned to 8 o'Clock Tomorrow.

FRIDAY 6 March 1789.

Met according to Adjournment.

His Excellency opened the business of the Council by laying before them the distressed situation of the Inhabitants of the State for want of Grain, & proposed that an Imbargo be laid to prevent the Exportation of Wheat & other Bread Corn out of this State. Having spent some time in debating on the Subject, Adjourned to 2 o'Clock P: M:

2 o'Clock Met according to Adjournment.

On application of M^r. Andrew Griswold, representing that he had Lodged a Gun in this States Store—whereupon Resolved that the Commissary General be ordered to diliver said Gun to him his proving property.

Mr. Tichenor Arrived & joined the Council.

Resolved that an Embargo be laid on all Grain to prevent the exportation of the same out of this State. Resolved that Mr. Secy. Fay Mr. Tichenor & Col^o. Lyon be requested to make a Draught of an ordinance for the aforesaid purpose.

Adjourned to 7 o'clock Tomorrow.

SATURDAY 7th. March 1789.

Met according to Adjourn^t.

Present His Excellency Thomas Chittenden Esq^r. Samuel Safford John Fassett Thomas Porter Tim^o Brownson Ebenezer Walbridge Isaac Tichenor Esq^r. Joseph Fay Esq^r Secy^r. Joab [Joel] Hamilton Esq^r. D: S:

On motion of Mr. Tichenor Resolved, that the Secy. of Council be & he is hereby directed to Issue a Charter of Incorporation for the tract of Land Granted to Doct. Roswell Hopkins by the Legislature of this State under the usual restrictions, s^d Hopkins producing a Certificate from the Treasurer that the Granting fees are paid.

A draught being made for Prohibitting the Exportation of Grain out of this State, the same being laid before the Governor & Council was read & approved, & is as follows viz^t.

AN ORDINANCE OF THE GOVERNOR AND COUNCIL OF THE STATE
OF VERMONT.

Whereas the Great Scarcity of Bread corn in the Northern part of this State (Occasioned by the failour of the last Crops, Together with the quantities which have been and still are Carrying out of this State) is such as Leaves no doubt of Producing the utmost distress to the Inhabitants of this State for the want of that necessary article, unless effectual measures be taken to prevent the exportation of all kinds of Grain—

Wherefore be it *ordained* & it is hereby ordained by the Governor & Council of the State of Vermont & by the Authority of the same, That from & after the 29th day of this Instant March, until the 18th day of April next ensuing (Including boath days) no person or persons whatsoever shall export or Convey out of this State any Grain being the Produce of this State viz^t *wheat, Rye, Indian Corn, Barly, or the Meal or flour* of any of the aforesaid articles: & Be it further ordained by the Authority aforesaid, that it shall & may be Lawful for any *Sheriff, Constable, Grand Juror, or selectman* to Stop & Examine any & every *Sleigh, Cart, Waggon, or Carriage* [or] other Conveyance, which they may have reason to apprehend is Loaded [loaded] with any of the articles of *Grain, Meal, or flour* aforesaid for the purpose of transporting the same out of this State contrary to the true intent & meaning of this ordinance within the time limited as aforesaid. And unless the *owner* or *owners* of said Grain, or the *person* or *persons* having the charge of the same, produce to the informing officers a Certificate from some justice of the Peace, or two selectmen of the Town from whence the said *Grain, meal or flour* was taken, Specifying the quantity of Each, & the place to which the same is to be Transported, & that said Justice or Selectmen are well Satisfied that the said *Grain, Meal, or flour* will not be transported out of this State but be used in the Same, or otherwise satisfy the Authority before whom a Tryal shall be had that the said *Grain, Meal, or Flour*, was not Intended to be transported out of this State—the owner or owners of the said *Grain, Meal, or flour* shall forfeit (on conviction) the whole of the said *Grain, Meal, or flour* to the Treasurer of the Town in which the said Grain, Meal, or flour shall be sieezed to be

recovered by any informing officer before any court proper to try the same.

And all Magistrates, Sheriffs, Constables & other informing officers are hereby required & Commanded to be vigilant & active in detecting & preventing all persons from violating any part of this ordinance—

Provided Nevertheless, this prohibition shall not extend to prevent, hinder, or Molest any of the Citizens of the United States, or those of the Province of Quebec from conveying thro any part of this State any wheat, Rye, Indian corn, Barly, Meal, or flour which they may have purchased in any of the United States.

Be it further Ordained by the authority aforesaid that the foregoing Ordinance be published in both News papers printed in this State which shall be deemed Legal Notice for Caring the same into Execution.

Done in Council in the Council Chamber at Fair haven this 7th day of March 1789 in the 13 year of our Independence.

The foregoing is a true Copy of an Ordinance passed by the Governor & Council the day & date above mentioned. JOSEPH FAY Secy.

Resolved that Wednesday the 29th Day of April next be observed as a Day of public Humiliation, Fasting & prayer, & that Mr. Secy. Fay, Rev^d. Mr. Swift & Mr. Tichenor make a draught of a Proclamation for the purpose.

Resolved that Secy. Fay be directed to publish at the Expense of the State in all the News papers of this State a proper Notification for the better information of Land owners in this State that the time limited by Law for Redeeming Lands sold at Vandue for Collecting the Surveyor Generals Tax for Surveying Town Lines, Cutting roads &c. is only six Months from the time of sale—and the printers in the Neighbouring States be requested to publish the same.

DEBENTER OF COUNCIL at their Session Holden at Fairhaven Ending March 7th 1789.

Hon^{ble} Tim^o. Brownson £1 14 4, Samuel Safford 2 1 0, Thomas Porter 1 6 4, John Fassett 2 12 0, Ebenezer Walbridge 2 1 0, Isaac Tichenor 2 1 0. Joseph Fay Secy. 2 7 0, Joab [Joel] Hamilton D. Sheriff 18 8—[Total] £15 1 4.

JOSEPH FAY Secy.

THIRTEENTH COUNCIL.

OCTOBER 1789 TO OCTOBER 1790.

MOSES ROBINSON, Bennington, *Governor*.¹

JOSEPH MARSH, Hartford, *Lieutenant Governor*.

Councillors :

TIMOTHY BROWNSON, Sunderland,	JOHN STRONG, Addison,
JOHN FASSETT, Jr., Cambridge,	JONATHAN HUNT, Vernon,
PETER OLCOTT, Norwich,	EBEN'R WALBRIDGE, Bennington,
JACOB BAYLEY, Newbury,	ISAAC TICHENOR, Bennington,
THOMAS PORTER, Tinmouth,	NATHANIEL NILES, Fairlee. ²
SAMUEL SAFFORD, Bennington,	LUKE KNOULTON, Newfane. ³

JOSEPH FAY, Bennington, *Secretary*.

¹ Second governor of Vermont, elected in a Grand Committee consisting of the Governor and Council and General Assembly, Oct. 9 1789. For biographical notice see Vol. I, p. 128. The editor desired to give, facing this page, a portrait of Gov. Robinson: but it has been ascertained from gentlemen best informed and most interested that this is impossible. No portrait of the governor can be found, nor portraits of members of his family from which a satisfactory presentment could be constructed.

² Samuel Fletcher of Townshend was elected Councillor by the people but resigned that office and served as Sheriff. Oct. 17, Mr. Niles was appointed to fill the vacancy in the Council.

³ Thomas Murdock of Norwich was elected by the people but he resigned the office, and, Oct. 17, Mr. Knoulton was appointed to fill the vacancy. He was then a member of the House.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY HELD AT WESTMINSTER, OCT^R. 1789.STATE OF VERMONT IN COUNCIL CHAMBER)
Westminster 8th October 1789. }

At a General Election for Governor, Lt Governor, Council & Treasurer for the State of Vermont. Present His Excellency Thomas Chittenden Esquire Governor and the following Members of the Honorable Council viz^t Hon^{ble} John Fassett Samuel Safford Thomas Porter Ebenezer Walbridge John Strong Isaac Tichenor & Jon^{rs} Hunt Esquires. Joseph Fay Sec^y. Samuel Fletcher Esq^r. Sheriff.

A bill from the House was rec^d. appointing Mes^{rs}. Robinson, Shumway, Williams, Simeon Smith, Painter, Thompson, Hitchcock, Noah Smith, Knight, Knoulton, Burton, Parkhurst, Paine & Morey a Committee to receive, sort and Count the votes for Governor, Lt Governor, Council & Treasurer and declare the several persons choosen. Resolved that Mes^{rs} Safford, Tichenor, Hunt, Strong, Fassett & Porter join said Committee for the purposes Mentioned therein.

The Committee reported the following Gentlemen to be Elected into office by the Freemen for the year ensuing viz^t The Hon^{ble} Joseph Marsh Esquire Lt Governor. Hon^{ble} Samuel Mattocks Esquire Treasurer. Hon^{ble} Samuel Safford Isaac Tichenor Jonathan Hunt Jacob Bayley Peter Olcott Thomas Porter Ebenezer Walbridge Jn^o. Strong Timothy Brownson Thomas Murdock Jn^o. Fassett Jn^o & Samuel Fletcher Esquires Counsellors.

The Committee reported that the Freeman [freemen] had made no choice of a Governor, whereupon the Council & Assembly Resolved to Meet in Grand Committee tomorrow Morning to make choice of a Governor for the year ensuing Agreeable to Constitution.

Adjourned to Tomorrow Morning.¹

October 9th. 1789.

Met according to Adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. and the following Members of the Hon^{ble} Council, Hon^{ble} Samuel Safford John Fas-

¹ It was stated in the *Vermont Journal* of Oct. 14 1789, that on the day preceding the meeting of the two houses, Gov. Chittenden was met at Hartland by a company of cavalry commanded by captain Eli-sha Hawley of Windsor, "and safely escorted to Westminster, where he met the General Assembly of this State. They were supplied with every necessary while on the road, while at Westminster, (which was two days,) and on their return home, at his Excellency's expense." The election sermon was delivered by Rev. Dan Foster of Weathersfield.

sett Peter Olcott Thomas Porter Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Esq^{rs}. Joseph Fay Esq^r. Sec^y. Samuel Fletcher Esq^r. Sh^{ff}.

The foregoing Members of Council were duly qualified before the Governor to Execute the office of Councillors for the year Ensuing.

On Motion for the appointment of a Secretary to the Governor & Council, the ballots being taken Joseph Fay Esquire was declared to be duly Elected & was duly qualified before the Governor accordingly.

On a Message from the House by Mes^{rs}. Noah Smith & Jonathan Robinson, requesting his Excellency & Council to join the House in Grand Committee for the purpose of Electing a Governor for the year ensuing agreeable to the order of the day, they joined the House accordingly.

His Excellency in the Chair—Mr Secretary Hopkins Clerk. The ballots being taken, the Hon^{ble} Moses Robinson Esquire was declared to be duly Elected Governor for the year Ensuing.¹

¹ From the printed *Assembly Journal*, Oct. 9 1789, p. 6:

Resolved, That the Council be requested to attend the House, as soon as may be, and proceed with them in choosing a Governor for the ensuing year.

The Council and Assembly having joined in Grand Committee to choose a Governor for the ensuing year, His Excellency Thomas Chittenden, Esquire, in the chair, Roswell Hopkins, Esquire, Clerk.

The ballots being taken, sorted and counted, for a Governor for the year ensuing, the Honorable Moses Robinson, was elected, and declared Governor for the year ensuing.

Resolved, That the Chairman of this Committee be requested to inform the Honorable Moses Robinson, Esquire, of his being elected Governor of this State for the year ensuing; and to desire his attendance to the business of his appointment.

Resolved, That Captain David Robinson be the Messenger from his Excellency Governor Chittenden, to the Honorable Moses Robinson, Esquire.

The Committee then dissolved.

Attest, ROSWELL HOPKINS, Clerk.

Resolved, That a Committee of five be appointed to prepare an address of thanks to the late Governor, for his past services.—Members chosen—Mr. [Samuel] Hitchcock, Mr. [Ebenezer] Marvin, Mr. Noah Smith, Mr. Ira Allen and Mr. [Elijah] Paine.

It appears from the *Vermont Gazette* of Oct. 19 1789, that on declaring the election of Mr. Robinson, Gov. Chittenden addressed the Grand Committee as follows:

Gentlemen of the Council and Gentlemen of the House of Representatives:

I have had the honor to hold the important trust of your chief magistrate a number of years past, in the whole course of which I have endeavoured to serve the interest of the state to the best of my abilities; and on my retiring to private life, can assure you, that I feel a consciousness of having discharged my duty with simplicity and unremitted attention.

Since I find that the election has not gone in my favor by the freemen, and that you, gentlemen, would prefer some other person to fill the chair, I can cheerfully resign to him the honors of the office I have long since sustained, and sincerely wish him a happy administration, for the advancement of which my utmost influence shall be exerted.

Hon^{ble} Jacob Bayley Esquire took the necessary qualifications required by Constitution and took his seat in Council.

Adjourned to 8 o'clock Tomorrow Morning.

WESTMINSTER 10 October 1789.

Met according to Adjournment.

His Honor Joseph Marsh Esquire L^d Governor appeared and took the necessary qualifications required by Constitution and Took his seat in Council.

A bill from the House was rec^d. appointing Mes^{rs}. Jonathan Robinson, Lemuel Chipman, Samuel Chipman, [Samuel] Hitchcock, Bryant Brown, Samuel Knight,¹ & Israel Morey to join a Committee of Council to Make the Necessary arrangements of the business of the Present Session. Resolved that Mes^{rs}. Safford and Walbridge join said Committee for the aforesaid purpose.

On the Petitions of the Inhabitants of the Township of Stratton, praying that the forfeiture may be taken of [off] the Proprietors of said Township for not doing the settling duty according to Charter, having been read in General Assembly and Mes^{rs}. E. Smith, I. Smith, & S. Smith,² appointed a Committee to join a Committee of Council to take

I ardently wish you, gentlemen, happiness and prosperity; may the blessing of heaven attend your useful deliberations, and render you subservient in all your public exertions to the best good of your constituents.

The committee, appointed to draft an address of thanks to Gov. Chittenden, reported on the same day, and the report was recommitted; again reported on the 10th, when the report was read and laid on the table. On the 17th, the report was considered, and adopted—yeas 76, nays 12. It was as follows:

To the Honorable THOMAS CHITTENDEN, Esquire.

Sir.—On your exit from the important office of Governor, which you have so long held by the united suffrages of the people of this State, the Representatives, in General Assembly met, beg leave to address you, and publicly demonstrate the satisfaction they feel in your late administration.—The citizens of *Vermont* must contemplate with pleasure, your early and reiterated endeavors to establish and maintain the existence and welfare of this government—and at the same time feel a grateful sense of the many and good services you have rendered them, as the supporter, guardian, and protector of their civil liberties.

The Representatives of the people of *Vermont*, upon this occasion, request your Honor to accept for your past services, all that a noble and generous mind can give, or wish to receive, *their gratitude and warmest thanks*.—and it is their earnest wish, that in your advanced age, and retirement from the arduous task of public life, you may enjoy all the blessings of domestic ease.

I am, may it please your Honor, (by order, and in behalf of the House,) with the greatest respect, your most obedient humble Servant.

(Signed)

GIDEON OLIN, *Speaker*.

¹ Knights, erroneously, in the journal of each House.

² There seems to have been something like a joke in the selection of this committee. It embraced one half of the Smiths in the House, to wit: Elibu of Clarendon, Israel of Rupert, (afterward governor,) and

the same under Consideration—Resolved that Mr. Bayley join the above Committee for the purposes therein mentioned.

On a bill from the House Appointing Messrs. Hitchcock, Leavenworth, Jonathan Robinson, Israel Smith & Lemuel Chipman, to join a Committee to prepare an Address to the President of the United States, Resolved that Mr. Tichenor join said Committee for the purpose therein mentioned.

Adjourned to 2 o'clock P. M.

Met according to Adjournment and Adjourned to 10 o'clock Monday next.

MONDAY, 12th. October 1789.

Met according to Adjournment.

Present his Honor Joseph Marsh Esq^r. Lt. Gov^r. and the following Members of the Hon^{ble} Council viz^t Hon^{ble} Samuel Safford Peter Olcott Jacob Bayley Jun^r. Fassett Thomas Porter John Strong Eben^r. Walbridge Isaac Tichenor Esq^rs. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

An Act appointing two persons in Lieu of two others who refused to act as a Committee for appropriating the Moneys raised by a two penny Tax in the Township of Corinth having Passed the House was read & Concurred.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

A Message rec^d. from the House requesting the Lt. Governor and Council to join in Grand Committee to take under Consideration the petition of the Inhabitants of Leicester and Salisbury, and a number of other Towns, relative to Settling their Town lines. The Grand Committee met accordingly, & after due consideration Agreed to dismiss said petitions.

An Act giving leave for the administrators on the Estate of William Haight Late of Vargeens Dec^d. to exchange a certain peice of Land with Roswell Hopkins Esq^r. having passed the General Assembly was read & Concurred.

Adjourned until 8 o'clock Tomorrow morning.

TUESDAY 13th October 1789.

Met according to adjournment. Present His honor Joseph Marsh Esquire Lt. Gov^r. and the following Members of the Hon^{ble} Council viz^t Hon^{ble} Samuel Safford Peter Olcott Jacob Bayley John Fassett John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Esquires. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

Simeon of Fairhaven. The other Smiths were Capt. Abida of Pomfret, Asahel of Benson, and the Hon. Noah, (then a resident of Bennington.) who represented the town of Johnson. There may have been other instances of a town represented by a non-resident,—probably Highgate, represented by John Knickerbacor in 1790, '91, and '92—but Johnson is the only case of which the editor is sure. No question appears to have been raised as to the right of Mr. Smith to act. He was enrolled on the first day, and appointed on the first committee raised. Neither the constitution nor any statute at that time required a representative to be a resident of the town for which he acted.

On a bill from the House Appointing Messrs. Jonathan Robinson, Lemuel Chipman, Abel Thompson, Ira Allen, Mr. Wood, Bryant Brown, and Col^o. Austin a Committee to join a Committee of Council to take under Consideration the sixth article in the arrangement which is to make more ample provision for the support of the Supreme Court, Resolved that Mr. Porter join said Committee for said purpose.

A petition signed Samuel Avery praying for Lands &c. having been read in General Assembly & referred to a Committee to join a Committee of the Council—Resolved that Messrs. Walbridge & Bayley join said Committee.

A petition Signed John Scott proposing the Establishment of Manufactories in this State having been read in General Assembly, and Messrs. Dean, Williams, Painter, Woodworth, Wood, Burton & Leavenworth appointed a Committee to join a Committee of the Council to take the same under Consideration. Resolved that Mr. Hunt & Mr. Olcott join said Committee for the purposes mentioned.

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

His Excellency Moses Robinson Esquire Governor Having Arrived and being introduced to the Council Proceeded to the House of Assembly, and after having Made a Speech to both Houses informed them that he accepted the office of Governor of this State for the year Ensuing and was ready to be qualified, which was accordingly done by the Lt Gov^r. after which His Excellency & Council returned to the Council Chamber.

Adjourned to 8 o'clock Tomorrow Morning.¹

WEDNESDAY, 14 October 1789.

Met according to adjournment.

Present His Excellency Moses Robinson Esq^r. Gov^r. and the following Members of the Honorable Council viz^t. Hon^{ble}. Jacob Bayley Peter Olcott John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

The Governor & Council joined the House in Grand Committee for the purpose of appointing County officers & Judges of the Supreme Court, after which they returned to the Council Chamber, having adjourned the Grand Committee until 2 o'clock P. M.

Adjourned to 2 o'clock P. M.

Met according to adjournment & proceeded to the House, to join in Grand Committee for the appointment of Judges of the Supreme Court. The ballots being taken, the Hon^{ble}. Nathaniel Chipman Esquire was de-

¹ From the *Assembly Journal*, Oct. 13 1789 :

Resolved. That a Committee, consisting of two Members from each county, be appointed to escort the Governor into town.—Members chosen—Mr. Brownson, Mr. Ormsby, Mr. Marvin, Mr. E. Smith, Mr. Thompson, Mr. Painter, Mr. I. Allen, Mr. N. Smith, Mr. Knoulton, Mr. L. Hall, Mr. Parkhurst, Mr. B. Brown, Mr. Paine, and Mr. Morey.

It therefore seems that Gov. Robinson reached Westminster on the 13th and immediately assumed the duties of his office. The Assembly journal does not notice his introduction to the office, and neither of the Vermont newspapers of that day printed the speech delivered by the governor on that occasion.

clared to be duly choosen chief Judge & Noah Smith and Samuel Knight Esquires was declared to be duly chesen assistant or side Judges, after which the Committee dissolved.

On a bill from the House for appointing an Attorney General &c. Mr. Tichenor was appointed to return the said bill to the House for explanation.¹

On a bill from the House appointing Mes^{rs}. Israel Smith, Marvin, Painter, Noah Smith, Freeman, Benton, and Morey, a Committee to join a Committee from the Council to Take under their consideration the second article in the bill of Arrangement of business, to determine what Alterations are Necessary to be made in the Statute Laws of this State, Resolved that Mr. Tichenor join said Committee for the purpose aforesaid.

An Act to prolong the time for receiving into the Treasury the public securities of this State until the first day of July next, having passed the Gen^l. Assembly was read & Concurred.

On the petition of Benajah Childs, having been read in General Assembly, and Mes^{rs}. Converse, Marvin, & Parkhurst, appointed to join a Committee from Council. Resolved that Mr. Bayley join said Committee for the purpose therein Mentioned.

Adjourned to 8 oClock Tomorrow Morning.

THURSDAY 15 October 1789.

Met according to adjournment.

Present His Excellency Moses Robinson Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Jacob Bayley Peter Olcott John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Esquires. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

The Governor and Council joined the [Assembly] in Grand Committee, to take under consideration the Erecting of a College within this State, after which they dissolved and returned to the Council Chamber.²

Adjourned to 2 oClock P. M.

¹ This bill seems to have been passed by the House for the purpose of collecting fines and forfeitures due to the State.

² At this meeting. Ira Allen presented a memorial for a college at Burlington, with subscriptions therefor amounting to five thousand six hundred and forty-three pounds and twelve shillings. The Grand Committee recommended the appointment of a committee to draw up a plan for a constitution and government of a college; and that a location be fixed during the session. The action of the Assembly on the same day was as follows:

From the *Assembly Journal*, Oct 15 1789:

Resolved To take under consideration the first article recommended by the Grand Committee.

Resolved to appoint a Committee, consisting of two members from each County to nominate a Committee for drafting a Constitution for a College.—Members chosen—Mr. I. Smith [Israel of Rupert,] Mr. Speaker [Gideon Olin, of Shaftsbury,] Mr. Marvin, [Ebenezer of Tiamouth] Mr. Williams [Samuel, of Rutland, afterward Councillor, not the Rev. Dr. Samuel,] Mr. Everest, [Zadock, of Addison,] Mr. Chipman,

Met according to Adjournment.

His Excellency Governor Chittenden presented a Resolve of the House Stating his Salary the last year, being one hundred pounds, requesting an order on the Treasurer which was Accordingly Granted, and an order drawn on the Treasurer for the said sum of one hundred pounds lawful Money signed by the Sec^y: by order of Council.

£100.

JOSEPH FAY Sec^y.

Adjourned to 8 o'Clock Tomorrow Morning.

FRIDAY October 16 1789.

Met according to adjournment.

Present His Excellency Moses Robinson Esq^r. Gov^r. His Honor Joseph Marsh Esquire Lt Governor—and the following Members of the Hon^{ble} Council viz^t Jacob Bayley Peter Olcott John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Esq^r. Joseph Fay Sec^y. Samuel Fletcher, *Sheriff*.

A petition from the proprietors of Westfield praying for a Grant of Land, having been read in General Assembly, and a Committee appointed thereon to join a Committee of Council, Resolved that Mr Bayley join s^d. Committee. Doctor Marvin's petition is also refered to the Consideration of the said Committee.

On a bill from the House appointing Mes^{rs}. Nathaniel Chipman, Israel Smith, Elijah Paine, Samuel Hitchcock, & Stephen Jacob, to determine on a plan of Government to be established for Regulating of a College within this State, Resolved that Mr Tichenor join said Committee for said purpose.

A petition signed Asaph Fletcher, Salmon Dutton, and others, praying for a Lottery to repair roads &c., having been read in the Assembly, & Mes^{rs}. Williams, Converse, & Jackson, appointed a Committee to join

[Samuel, of Vergennes.] Mr. Hitchcock, [Judge Samuel, of Burlington,] Mr. Allen, [Ira, of Colchester,] Mr. Knoulton, [Judge Luke, of Newtane,] Mr. Knights, [Judge Samuel Knight, of Brattleborough,] Mr. Burton, [Elisha, of Norwich,] Mr. Parkhurst, [Col. Calvin, of Royalton,] Mr. Paine, [Judge Elijah, of Williamstown,] and Mr. Johnson, [Col. Thomas, of Newbury.]

The House proceeded to take the second article under consideration; and after long debate,

Resolved, That a Committee be appointed to receive absolute donations and particular subscriptions for a College; and make report to the next session of the Legislature.

Resolved, That the Committee appointed to nominate a Committee for drafting a Constitution for a College, nominate a Committee to receive donations and particular subscriptions for a College.

The Committee appointed to nominate a Committee to draft a Constitution for a College, report that Nathaniel Chipman, Israel Smith, Elijah Paine, Samuel Hitchcock, and Stephen Jacob, Esquires, be a Committee, to join a Committee from the Council, for the above purpose. [Mr. Tichenor was joined from the Council.]

Which report was read, and accepted.

The Committee appointed to nominate a Committee to receive absolute donations and particular subscriptions for the use of a College, report, that Gideon Olin, Samuel Williams, Gamaliel Painter, Ira Allen, Luke Knoulton, Calvin Parkhurst, and Elijah Paine, Esquires, be a Committee for the above purpose.

a Committee of Council, Resolved that Mr Walbridge join said Committee.

A petition from the Proprietors of Marshfield praying for redress relative to the expence of running the Town lines, having been read in General Assembly & Mes^{rs} Cutler, Paine, Johason, & Hunt appointed a Committee to join a Committee of Council, Resolved that Mr Bayley join said Committee.

An Act Granting Liberty to the Select Men of Dorset to sell part of the real Estate belonging to William Lammon, having passed the General Assembly was read & Concurred.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

A verbal Message was rec^d. from the House by Mr Hitchcock, requesting His Excellency and Council to join the House in Grand Committee, to take under consideration the expediency of appointing Commissioners to treat with Commissioners from the State of New York. [The Council joined accordingly.] The [Grand] Committee having debated sometime on the Subject Adjourned to 8 o'Clock tomorrow Morning, after which the Governor and Council returned to the Council Chamber.

The petition of Henry Moor and John Taplin having been read in General Assembly, and Mes^{rs} Shumway, Johnson, Loomis, and Williams appointed to join a Committee of Council, Resolved that Mr Strong join said Committee.

Adjourned to 8 o'Clock Tomorrow Morning.

SATURDAY October 17 1789.

Met according to Adjournment.

Present His Excellency Moses Robinson Esq^r. Gov^r. His Honor Joseph Marsh Esq^r. Lt Governor and the following Members of the Honorable Council viz^t. Hon^{ble} Jacob Bayley Peter Olcott John Fassett Thomas Porter Samuel Safford John Strong Eben^r. Walbridge Jonathau Hunt Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

Agreeable to the order of the day the Governor and Council joined the House in Grand Committee, to consult further on the propriety of passing an Act authorizing Commissioners to treat with New York, after which they returned to the Council Chamber.

The Council proceeded to appoint two Members of Council to fill the vacancies of Samuel Fletcher & Thomas Murdock Esquires who have resigned their office as Members of Council. The Ballots being taken, the Hon^{ble} Nathaniel Niles & Luke Knoulton Esquires were declared to be duly chosen.

A Resolution of the House appointing Thursday the 26 day of November Next to be observed as a day of thanksgiving & praise throughout this State, and requesting His Excellency to Issue his proclamation for that purpose, whereupon the Governor and Council agreed on the form made by Mr Tichenor & Sec^y Fay who were appointed for that purpose.

On the application of Col^o William Barton, Resolved that the Secretary of Council be and he is hereby directed to make out the charter of the Township of *Barton*, & that he enter the Names agreeable to the form of the Charter of Lyndon entitling such proprietors as shall be so inserted to so many seventieth parts as shall be annexed to their names.

Adjourned to 9 o'Clock Monday next.

MONDAY 19 October 1789.

Met according to Adjournment.

Present His Excellency Moses Robinson Esq^r. Gov^r. His Honor Joseph Marsh Esquire L^t. Governor and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Jacob Bayley Peter Olcott John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

Agreeable to the order of the day the Governor & Council joined the House in Grand Committee to consult further on the passing an Act authorizing Commissioners to Treat with New York. After passing several resolutions thereon the Governor & Council returned to the Council Chamber.¹

On the application of Brigadier General [Israel] Morey, the Council took under their Consideration the application of Augustus Horatia Burgoyne for a Commission as a Captain agreeable to his Election. The question being put wheather the Governor & Council will suspend the Granting Commissions in any case whatever, the vote being called for passed in the affirmative.

Resolved to suspend the Granting a Captains Commission to said Burgoyne and that the said Company be ordered to another choice.²

Resolved that the Captain General have power & he is hereby requested to Issue Commissions to all Military officers Legally appointed & returned, unless sufficient allegations are Aledged whereon the advice of Council appears to be Necessary, and also to Issue Charters of Incorporation.

An act enabling Mary and Stephen Lawrence administrators on the Estate of Stephen Lawrence Dec^d. to convey certain Lands Mentioned therein by Deed having passed the General Assembly was read & Concurred.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

Having read sundry Acts which was ordered to lie on the Table for a second reading, and having rec^d. a Message from the House to join in Grand Committee on the subject of the General Survey, and on the report of the joint Committee on the petition of the proprietors of Marshfield, the Governor and Council joined accordingly.³ The Committee

¹ The *Assembly Journal* records this meeting of the Grand Committee as of Saturday the 17th, when the bill for the appointment of Commissioners was agreed to.

² In a letter to General Morey, printed in the *Vermont Journal* of Dec. 2 1789, the signature is "A. Burgoyne." It appears that Gen. Morey had objected to Burgoyne's bad character. Burgoyne resented this sharply, and stated that he had been *re-elected* captain of the company, which was in Thetford.

³ The proprietors of Marshfield complained that they had been charged altogether too much for the survey of the lines of the town; and on the hearing it appeared not only that the complaint was well founded, but that the injustice had been done by the Governor and Council in averaging the bill of surveys among the towns without due regard to the cost of the work for each. This inquiry resulted in the appointment of commissioners to settle and fully adjust the Surveyor General's accounts.

not being able to compleat the business adjourned to 10 o'Clock Tomorrow. The Governor & Council returned to the Council Chamber, & having no business sent from the House

Adjourned to 8 o'Clock Tomorrow Morning.

WESTMINSTER 20 October 1789.

Met according to adjournment.

Present His Excellency Moses Robinson Esq^r Gov^r. His Honor Joseph Marsh Esq^r Lt Gov^r and the following Members of the Hon^{ble} Council viz^t Hon^{ble} Jacob Bayley Peter Olcott John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. Elnathan Allen D. Sheriff.

Hon^{ble} Luke Knoulton Esquire being duly qualified took his seat in Council.

On the Motion of Mr. Tichenor, Leave was given to bring in a bill, Enlarging Addison County. The same being read and passed in Council, was ordered to be laid before the General Assembly, to be passed into a Law of this State.

On Motion of His Honor the Lt Governor for Leave of absence during the present session, Resolved that his request be Granted and that Leave be given him to return home.

On the motion of Mr. Tichenor for Leave to bring in a bill directing the payment of Fines and Penalties, in Lieu of a bill from the House for appointing an Attorney General, whereupon an Act for that purpose was read and passed in Council, and sent to the General Assembly to be passed into a Law of this State.

The Governor and Council joined in Grand Committee agreeable to the order of the day. Having dissolved, they returned to the Council Chamber & proceeded to business.¹

An Act suspending all suits against Benajah Childs having been passed in General Assembly was read and Concurred.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

A petition from the proprietors of the Township of Derby, having been read in General Assembly appointing a Committee to join a Committee of Council, Resolved that Mr. Walbridge join said Committee for the purposes therein Mentioned.

An Act appointing Commissioners to treat with Commissioners from the State of New York, was returned to the House with proposals of Amendment.

Adjourned until Tomorrow 8 o'Clock in the Morning.

WEDNESDAY 21 October 1789.

Met according to adjournment.

Present His Excellency Moses Robinson Esq^r Gov^r and the following members of the Hon^{ble} Council viz^t Hon^{ble} Jacob Bayley Peter Olcott John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Luke Knoulton Esq^{rs}. Joseph Fay Sec^y. Elnathan Allen D. Sheriff.

An Act Granting a new Tryal in a cause of Raymond against Moore, having passed the General Assembly, was read and Concurred.

¹ The petition as to Marshfield was the business before the Grand Committee. See note ³ on preceding page.

The Petition of Jonathan Arnold Esquire, praying that the Charter of *Billy Mead* [Sutton] Issue in the same form as the Charter of Lyndon, being read, whereupon Resolved that the prayer thereof be granted, and the Secretary of Council is hereby directed to Issue the said Charter Accordingly.

An Act Taxing New Haven Gore two pence p^r. acre, being read, having passed the General Assembly was Concurred.

An Act Granting a Tax of two pence p^r. acre on the Land in the Township of Fairfax, Having passed the General Assembly was read in Council, & returned to the House with proposals of Amendment viz^t one penny half penny in Lieu of two pence.

An Act Granting a Tax of one penny p^r. acre on the Land in the Township of St Albans having passed the General Assembly was read and Concurred.

An Act altering the name of *Pocock* to that of *Bristol*, having passed the General Assembly was read and Concurred.

An Act Granting a Tax of one penny p^r. acre on all the land in the Township of Roxbury having passed the General Assembly was read and Concurred.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

On the Motion of Mr. Safford, Resolved that Mr. Olcott have leave of absence during the present Session agreeable to his request.

An Act Granting a Tax of one penny p^r. acre on all the Land in the Township of Orwell public rights excepted, having [passed] the General Assembly, was read & concurred.

An Act granting Leave to the Inhabitents of *Pownal* to raise a Company of Cavalry, having passed the General Assembly was read & Concurred.

Adjourned to 8 o'clock Tomorrow Morning.

THURSDAY 22^d October 1789.

Met according to adjournment.

Present His Excellency Moses Robinson Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Jacob Bayley John Fassett Samuel Safford Thomas Porter John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor & Luke Knoulton Esq^{rs}. Joseph Fay Secy. Elnathan Allen D. Sheriff.

An Act suspending suits against Captain Titus Watson, having passed the General Assembly, was read & returned to the House with proposals of amendment.

The petition of Stilman Foot praying for a New tryal as mentioned within, having been read in General Assembly, and a Committee appointed to join a Committee of Council, Resolved that Mr. Tichenor join said Committee for the purposes Mentioned in said petition.

An Act Granting a Tax of one penny p^r. acre on the Lands in the Township of Ludlow having passed the General Assembly was read and concurred.

An Act Granting a Tax of one penny p^r. acre on the lands in the Township of *Brantree*, having passed the General Assembly was read and Concurred.

An Act Granting a Tax of 2^d. p^r. acre on the lands in the Township of Wolcott having passed the General Assembly was read and concurred.

An Act altering the times for Holding County Courts in the Counties of Bennington and Chittenden, having passed the General Assembly was read & Concurred.

An Act empowering Sheriffs & Constables to Commit persons to Goal out of their Counties, having been read and passed in Council, was sent to the General Assembly to be passed into a Law of this State.

An Act Stating the fees of the Supreme and County Courts in this State having passed the General Assembly, was returned to the House with proposals of amendment.

Adjourned to 8 o'clock Tomorrow Morning.

FRIDAY Westminster 23^d. Oct^r. 1789.

Met according to adjournment.

Present His Excellency Moses Robinson Esq^r. Gov^r and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Jacob Bayley Samuel Safford John Fassett Thomas Porter John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor & Luke Knoulton. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

An Act establishing a line for the time being between the Towns of Leicester and Salisbury having passed the General Assembly was read and concurred.

An Act Granting a Tax of five pence on the pound payable in the public securities of this State, to be paid into the Treasury in March Next, having passed the General Assembly was read & Concurred.

An Act altering the time for the sitting of Windsor County Court to the first Tuesday of November Next, having passed the General Assembly was read & Concurred.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

On the application of Lot Hall Esquire, in behalf of L^t Moses Johnson, requesting a Charter of a Certain Gore of Land Granted unto L^t Moses Johnson & Company west of Jamaica in this State, Resolved that said request be granted and the Secretary of Council is directed to make out a Charter Accordingly.

The Honorable Samuel Mattocks Esquire as princeple, and the Hon^{ble} John Strong, and Jonathan Spafford Esquires, as sureties, appearing before the Governor & Council Acknowledge themselves jointly & severally recognized and firmly bound unto the Secretary of this State, in the sum of Ten thousand pounds Lawful Money, and that for the faithfull payment of the said sum, they and their heirs are jointly and severally firmly bound, Conditioned in the following manner viz^t that if the above bound Samuel Mattocks shall faithfully execute and discharge the duty of Treasurer for the State of Vermont for the year ensuing, so that no damage be sustained to the public, or any individual in his said office of Treasurer, that then this Obligation be void and of no effect, or otherwise to remain in full force and effect in Law.

£10,000.

Attest,

JOSEPH FAY Sec^y.

An Act regulating the fees of the Supreme and County Courts, having [passed] the General Assembly, was read and returned with proposals of amendment.

An Act repealling certain clauses in an Act entitled an Act for the Establishment of Town lines, having passed the Council was sent to the General Assembly to be passed into a Law of this State.

On a bill from the House appointing a Committee to join a Committee of Council to point out and define the powers of the Commissioners to be appointed to Settle with the late & present Surveyor Generals of this State, Resolved that M^r Tichenor join said Committee for said purpose.

An act directing Listers in their office and duty, having passed the General Assembly was read and Concurred.

An Act directing the Mode for Filling Vacancies was read, having passed the General Assembly was returned with proposals of Amendment.

An Act Granting leave to Samuel Hunt and Benjamin West Executors on the Estate of John Church Dec^d to Sell the real property of said Church, having passed the General Assembly was read and Concurred.

On Motion of Mr Walbridge for Leave of Absence during the present session, Leave was given Accordingly.

Adjourned to 8 o'Clock Tomorrow Morning.¹

SATURDAY 24 October 1789.

Met according to adjournment.

Present His Excellency Moses Robinson Esq^r Gov^r and the following Members of the Hon^{ble} Council viz^t Hon^{ble} Jacob Bayley Samuel Safford John Strong Jonathan Hunt Isaac Tichenor John Fassett Thomas Porter Luke Knoulton Esquires. Joseph Fay Sec^y. Samuel Fletcher Esq^r Sheriff.

An Act Staying an Execution against *Ephraim Stevens* having passed the General Assembly was read & Concurred.

An Act adding Aaron Robinson to the Committee of Hardwick Land Tax, having passed the General Assembly was read and concurred.

An Act Granting a Tax of one penny p^r. acre on the Lands in Guild-hall having passed the General Assembly was read & Concurred.

An Act Granting a Tax of 2^d. p^r. acre on the Lands in the Township of Fletcher, having passed the General Assembly was read and Concurred.

An Act Granting a Land Tax of one penny p^r. acre on the Township of Wildersburgh [Barre] having passed the General Assembly was read & Concurred.

A Message from the House requesting the Governor and Council to join in Grand Committee to take under Consideration the General Survey Act, the Governor & Council joined accordingly.

A bill from the House appointing a Committee to join a Committee of Council to examine the Act^s for running Town lines, and to prepare a bill repealling such parts of said Act as shall be found unconstitutional—Resolved that Mr Strong & Mr Bayley join said Committee for said purpose.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

An Act Granting a Tax of one penny p^r. acre on the Lands in Georgia having passed the General Assembly was read and Concurred.

¹ From the *Assembly Journal*, Oct. 23 1789 :

Resolved, That this House allow his Excellency the Governor, as a salary for the ensuing year, one hundred and fifty pounds; and he is hereby empowered to draw on the Treasurer, who is directed to pay the same.

Resolved, That his Honor Thomas Chittenden, be allowed fifty pounds for past services, in addition to his last year's salary; which he is hereby empowered to draw from the treasury of this State.

Resolved, That the Treasurer of this State be allowed for the year past, one hundred and twenty pounds; which he is hereby empowered to draw out of the treasury of this State.

An Act Granting fifty two Thousand acres of Land to Samuel Avery Esq^r. having passed the General Assembly, was read and concurred, reserving as an Amendment, that the Grants of two Townships, one to Governor Marsh and one to Mr. Randal & Company¹ be first Located and all other Grants yet unlocated, provided said Locations shall be made and returns thereof to the Governor and Council by the 15 day June Next—said Avery to have a Gore of Land east of Starksborough which he has liberty to pitch immediately.

An Act directing the mode for prosecuting Sheriffs Bondmen having passed the General Assembly was read & concurred.

An Act empowering the Selectmen of the respective towns within this State to take care of the Glebe Lands, having passed the General Assembly was read and concurred.

An Act Granting Leave to make a Lottery for the purpose of Erecting a Brewery in Weathersfield, was read & Concurred.

An Act in addition to an Act Granting a Land Tax in the Townships of Colchester & Burlington, having passed the General Assembly was read and Concurred.

An Act for raising one hundred and fifty pounds by Lottery Granted to Daniel Heald of Chester for the purpose of repairing roads &c., having passed the General Assembly was read & Concurred.

An Act Granting a Tax of two pence p^r. acre on the Lands in *Bradford* having passed the General Assembly was read & Concurred with the amendment of proposing one penny in the lieu of two pence.

Adjourned to 8 o'clock Monday Next.

MONDAY Westminster 26 October 1789.

Met according to Adjournment.

Present His Excellency Moses Robinson Esq^r Gov^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Jacob Bayley Samuel Safford John Fassett Thomas Porter John Strong Jonathan Hunt Isaac Tichenor & Luke Knoulton Esq^{rs}. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

An Act Granting a Tax of one penny p^r. acre on the Lands in Goshen, having passed the General Assembly was read and Concurred with this Amendment, that said Tax shall not be Collectable until the Charter of said Township shall be Issued.

An Act Granting a Tax of one penny half penny p^r. acre on all the Land in the Townships of Minehead [Bloomfield] and Lunenburgh [Brunswick] having passed the General Assembly was read & Concurred.²

An Act Granting a Tax of two pence on the acre on all the Lands in the Township of Lunenburgh, having passed the General Assembly, was read and Concurred.

On a bill from the House appointing a Committee, to join a Committee of Council, to enquire into the principles on which the Charter of Salem was Granted, Resolved that Mr. Safford & Mr. Bayley join said Committee.

¹ For the benefit of those in New York who favored the Western Union.

² The *Assembly Journal* shows that the tax was on *Brunswick* instead of "Lunenburgh." The next act taxed Lunenburgh.

An Act Granting a Tax of one penny on the acre on all the Lands in Philadelphia, [Chittenden, in part,] having passed the General Assembly was read and concurred.

An Act Granting a Tax of one half penny on the acre on the lands in Woodstock sent back with proposals of amendment viz^t that the tax be raised on the polls & ratable Estate.

An Act Granting a Tax of one penny on the acre on all the Land in the Township of Marshfield having passed the General Assembly was read & concurred, with the amendment, that said Tax shall not be Collected until the Charter of said Township Issue.

An Act Granting a Tax of two pence p^r. acre on the Lands in Panton having passed the General Assembly was read and concurred with the amendment that the Tax be raised on the polls and ratable Estate in said Town.

An Act Granting a Tax of one penny p^r. acre on the land in Killington [Sherburne] read & Concurred.

An Act Granting a Tax of one penny p^r. acre on the lands in the Township of Washington, having passed the General Assembly was read & Concurred.

An Act defining the powers of Justices of the Peace, having passed the General Assembly, was read and returned to the House with proposals of Amendment, by Mr. Tichenor who was requested to assign the reasons to the House.

An Act appointing an Attorney General having passed the General Assembly was read & Non Concurred.

Adjourned to 2 o'clock P. M.

Met according to Adjournment.

An Act directing proprietors Clerks to Diliver over their Records was read & passed in Council & ordered to be laid before the General Assembly to be passed into a Law of this State—in Lieu of an Act of a Simelar Nature which has passed the General Assembly & non Concurred by Council.

Adjourned to 8 o'clock Tomorrow.

TUESDAY 27th. October 1789.

Met according to Adjournment.

Present His Excellency Moses Robinson Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t Hon^{ble} Jacob Bayley Samuel Safford Thomas Porter John Fassett John Strong Jonathan Hunt Luke Knoulton & Isaac Tichenor Esq^{rs}. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

On a Message from the House requesting the Governor and Council to join the House in Grand Committee to consult the propriety of choosing Agents to Congress. The Committee having met, they Resolved to appoint three Agents. The Ballots being taken, the Hon^{ble} Isaac Tichenor Esq^r. Stephen R. Bradley & Elijah Paine Esq^{rs}. were declared to be duly chosen.

The Ballots being required for the appointment of a Surveyor General for the year Ensuing, James Whitelaw Esquire was declared to be duly Elected.

An Act to repeal certain parts of an act entitled an Act for establishing Post offices within this State, having passed the General Assembly, was returned to the House with the following proposal of amendment viz^t that no allowance be given to the post riding from Bennington to Albany.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

An Act in addition to an Act entitled an Act regulating Attorney^s & pleading at the Bar, was read & passed the Council, and sent to the General Assembly to be passed into a Law of this State.

A simelar act to the above regulating Attorney^s &c. having passed the General Assembly was read and Non concurred.

An Act directing the Surveyor General in his office and duty having Passed the General Assembly was read & concurred, with this addition as an Amendment viz^t that returns of Survey^s be made to the Governor and Council & General Assembly.

Adjourned to 8 o'Clock Tomorrow.

WEDNESDAY 28 October 1789.

Met according to adjournment.

Present His Excellency Moses Robinson Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t Hon^{ble} Jacob Bayley John Fassett Samuel Safford Thomas Porter John Strong Jonathan Hunt Isaac Tichenor Luke Knoulton. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

The Governor and Council joined the General Assembly in Grand Committee to take under Consideration the act defining the Powers of Justices of the Peace. Having gone through with the business of the Committee the Council returned to the Council Chamber and having read the act a third time and it having passed the General Assembly it was approved & Concurred.

On the Motion of Mr. Tichenor requesting that a Charter Issue to the Stockbridge Tribe of Indians according to the Grant for a Township of Land in this State by the name of *Marshfield*, Resolved that the Secretary of Council be directed to Issue said Charter agreeable to the Grant as soon as the Governor shall be Satisfied that Certain disputes between Colonel Isaac Marsh & others claiming to be owners shall be equitably settled, or otherwise to remain until the further order of this Council.

Adjourned to 2 o'Clock P. M.

Met according to Adjournment.

An Act in addition to an Act in Explanation of an Act relating to Issuing Charters of Incorporation having passed the General Assembly was read & Concurred.

An Act confirming the last will and Testament of *Ichabod Ide* of Westminster, having passed the General Assembly was read & Concurred.

An Act granting a Tax of two pence on Each acre of Land in the Township of Johnson, having passed the General Assembly was read and concurred, with this amendment viz^t that the Tax be only one penny in Lieu of two pence.

An Act for appointing an Attorney General having passed the General Assembly was read and non Concurred in Council, sent to the House & by them passed into a Law of the State. The Council therefore suspend the Execution of said Law until the next Session of the Legislature.

An act directing the mode of filling vacancies, having passed the General Assembly & the Council having proposed amendments not agreed to by the House and the Same being passed into a Law, the Council therefore Resolved to Suspend the Execution thereof until the Next Session of Assembly.

An Act appointing Commissioners to Settel the accounts of Ira Allen Esquire Late Surveyor General, & James Whitelaw Esquire the present Surveyor General, having passed the General Assembly was read and

concurred with this amendment, that Jacob Bayley be added to the Committee.

An act directing the payment of Intrest on Money due to the Treasurer of this State, having passed the General Assembly was read & Concurred: & returned to the House with amendments which were agreed to.

An Act repealing certain clauses in the listers act, having passed the General Assembly was read & Concurred.

An Act repealling certain clauses of an Act allowing wages to post riders, having passed the General Assembly, into a Law, Resolved that the Execution thereof be suspended until the Next Session of Assembly.

An Act Altering the place for holding the County and Supreme Courts in the County of Chittenden having passed the Legislature was read & Concurred.

Adjourned to 8 o'clock Tomorrow Morning.

THURSDAY 29th. October 1789.

Met according to Adjournment.

Present His Excellency Moses Robinson Esq^r. Gov^r. and the following Members of the Hon^{ble} Council viz^t. Hon^{ble} Jacob Bayley John Fassett Jonathan Hunt Isaac Tichenor Luke Knoulton Thomas Porter Samuel Safford John Strong. Joseph Fay Sec^y. Samuel Fletcher Sheriff.

Resolved that the Hon^{ble} General Safford be & he is hereby appointed to receive the Debenter of Council from the Treasurer the Present Session.

An Act for altering the places for holding the Supreme & County Courts in the County of Chittenden having passed the General Assembly was read & Concurred, with this alteration viz^t that Burlington be erased and Jerico Inserted in the Lien thereof.

An Act confirming the Grants of Lands made by this State, having passed the Council was sent to the General Assembly to be passed into a Law of this State.

On the request of Noah Smith Esquire that a Charter Issue for the Township of Johnson, Resolved that the Sec^y of Council be directed to Issue said Charter to the same proprietors as are in the former Charter Issued by the General Assembly and Signed by the Governor.¹

¹ This shows that a charter had been previously made out and executed, but had not been issued; nevertheless Johnson was represented in the Assembly.

From the *Assembly Journal*, Oct. 29 1789:

Resolved, That this House concur with the Governor and Council in the Address to the President of the United States—and that the Speaker sign the same in behalf of this House.

It is remarkable that the record of the Governor and Council contains no notice of the adoption of this address. The address was not published in either of the Vermont newspapers, nor is any notice of it to be found in the *Writings of Washington* published by Jared Sparks, though two later addresses are noticed. The probability is, either that the address was never received by Washington; or, if received, that he declined an answer for the reason that, as the controversy with New York was at that time undecided, it would be improper for him to recognize Vermont in any form whatever. The same delicacy at an earlier date prevented him from addressing Gov. Chittenden by his official title.

A DEBENTER OF COUNCIL at their Session Holden at Westminster Commencing October 8, 1789, and Ending October 29, 1789.

Joseph Marsh £9 15 0, Peter Olcott 6 19 4, Jacob Bayley 9 3 2, Samuel Safford 8 14 0, Thomas Porter 8 14 0, John Fassett 10 4 0, John Strong 9 10 8, Ebenezer Walbridge 6 12 0, Jonathan Hunt 8 2 0, Isaac Tichenor 8 14 0, Luke Knoulton 3 10 0, Joseph Fay Secy 10 18 0, Samuel Fletcher 7 0 4,—[Total,] £107 16 6.

TREASURERS OFFICE WESTMINSTER October 29th. 1789.

This may certify that Mr. Samuel Avery has paid into the Treasury Twelve pounds in hard money orders as Granting fees for Land Granted to said Avery the present Session of the Legislature Lying between Fayston & Lands Granted to Elias Buel the same being receipted to said Avery. £12.

S. MATTOCKS Treasurer.

True Copy, JOSEPH FAY Secy.

THE END OF OCTOBER SESSION 1789. Holden at Westminster State of Vermont.

Attest, JOSEPH FAY, Secy.¹

REPORT OF COMMISSIONERS TO ADJUST SURVEYOR GENERAL'S ACCOUNTS.

The following is a Copy of the Report of the Commissioners appointed by the Legislature of this State at their Session at Westminster in October 1789 viz^t

To His Excellency the Governor [and] the Honorable the Council of the State of Vermont,—

The Subscribers Commissioners appointed by an Act entitled an Act appointing Commissioners for the purpose of settling and adjusting the accounts of Ira Allen Esquire late Surveyor General, and of James Whitelaw Esquire the present Surveyor General, against this State, beg Leave to report to your honors, that the following Towns, and Gores, ought to be Assessed the several sums Annexed to Each respectively, and agreeable to the aforementioned Act do Assess, to each town and grant or Gore the sum to each respectively Annexed for the purpose of paying the Surveyor General and other incidental charges for running the outlines of Each Town respectively—viz^t

Cornwall £23 3 8, Waybridge 7 14 6, Hancock 23 3 8, Lunenburg 23 3 8, Guildhall 23 3 8, Maidstone 23 3 8, Brunswick 23 3 8, Minchhead [Bloomfield] 23 3 8, Lewis 23 3 8, Sheffield 20 6 3, Ferdinand 20 6 3, Wenlock [annexed to Brighton and Ferdinand] 20 6 3, Ransom [Brigh-

¹ From the *Assembly Journal*, Oct. 29 1789:

His Excellency and Council having joined the Assembly, his Excellency returned his thanks to the gentlemen, for their attention to the public business; and enjoined on them a strict observance and attention to the laws of the State; that by their respectable examples, others might be induced to a similar line of conduct—when Mr. Stone made a prayer suited to the occasion.

Resolved, That all matters pending before this Assembly be, and the same hereby are referred to the next stated session of this Legislature—and that this Assembly be, and the same hereby is adjourned without day.

Attest, LEWIS R. MORRIS, Clerk.

ton] 20 6 3, Navy [Charlestown] 20 6 3, Salem 20 6 3, Caddersburgh [Morgan] 20 6 3, Wid^o. Warner's Grant, 2,000 acres, [Warner's Gore,] 1 16 0, Brownington 20 6 3, Glover 20 6 3, Barton 20 6 3, Coventry 20 6 3, Irasburgh 20 6 3, Lutterloh [Albany] 20 6 3, Smithfield [part of Fairfield] 20 6 3, Hungerford [Sheldon] 20 6 3, Enosburgh 20 6 3, Knoultons Grant, 20,000 acres, [Bakersfield,] 10 3 1, Whitlows [Whitelaw's] Grant 21 15 1, Kelley's Grant 3 Townships¹ 60 18 9, Montgomery 20 6 3, Richford 20 6 3, Carthage [Jay] 20 6 3, Westfield 20 6 3, Duncansborough [Newport] 20 6 3, Hopkins Grant² 5 0 0. The whole amount of said assessment being £719 8 7.

Rutland February 6th 1790.

SAMUEL SAFFORD }
GIDEON OLIN } *Commissioners.*
ROSL^r. HOPKINS }

Copy Exam^d.

JOS. FAY Sec^y.

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL MEETING AT BENNINGTON, JUNE 9 & 10, 1790.

BENNINGTON June 9th 1790.

At a Meeting of the Governor and Council by special order of His Excellency for the purpose of receiving the returns of the Commissioners appointed to settle the accounts of Ira Allen Esq^r. Late Surveyor General, & James Whitelaw Esq^r. present Surveyor General, Holden at the Gov^rs. House in Bennington the 9th June 1790.

Present His Excellency Moses Robinson Esquire Governor, The Hon^{ble} Samuel Safford Ebenezer Walbridge. Joseph Fay Sec^y. There not being a quorum Adjourned to 9 o'clock Tomorrow.

June 10 1790.

Council Met according to Adjournment.

Present His Excellency Moses Robinson Esq^r. Governor, The Hon^{ble} Samuel Safford Tim^o. Brownson Ebenezer Walbridge Jonathan Hunt Isaac Tichenor & Luke Knoulton Esq^{rs}. Joseph Fay Sec^y.

His Excellency laid before the Council the return of the Commissioners aforesaid together with sundry other Matters of a public Nature.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

Resolved that the Sec^y. be & he is hereby directed to receive and record the returns of the Commissioners for settling the accounts of Ira

¹ Supposed to be Lowell, Belvidere, and Troy—the latter having been granted to John Kelly and Samuel Avery.

² Chartered to Dr. Roswell Hopkins as Hopkinsville, and with the addition of 2527 acres from Burke is now the town of Kirby.

Allen Esq^r Late Surveyor General, in the journals of Council, and that a Copy thereof be Transmitted to the Treasurer as the Law directs, together with the Names of the proprietors of the respective Towns assessed by said Commissioners, Excepting the Grant of 69,000 acres Granted to John Kelley, the Grant of 10,000 acres made to Luke Knoulton Esq^r the Township of Carthage [Jay,] which are to be omitted as the Granting fees are Not paid to the State, the Grant of 2,000 acres made to the Wid^o & Heirs of Colonel Seth Warner D^d which cost the State is to pay. Also Resolved that the Collecting the Tax on Enosburgh be postponed until after the rising of the Assembly in October Next, on acc^t that it appears to the Council that the proprietors have paid for runing the out lines of said Township.

On application of the Inhabitants of Wilmington, Resolved that Isaac Wheeler be & hereby is appointed a justice of the peace in & for the County of Windham, in lieu of Jesse Cook Esq^r D^d.

Adjourned without day.

Jos. FAY Sec^y.

DEBENTER OF COUNCIL 10 JUNE 1790.

Samuel Safford £0 14 4, Ebenezer Walbridge 0 14 8, Isaac Tichenor 0 14 4, Jonathan Hunt 1 5 8, Luke Knoulton 1 5 8, Tim^o Brownson 0 13 0, Joseph Fay Sec^y 0 18 4,—[Total,] £6 6 0.

True Debenter.

Attest

Jos. FAY Sec^y.

This Certifies that the whole of the Granting fees for the Township of *Brownington* as assessed by the Governor and Council, have been rec^d. by the Land Committee.

BENNINGTON 14 August 1790.

Attest

SAMUEL SAFFORD

Committee for receiving Granting fees.

Copy Examined & Recorded.

JOSEPH FAY Sec^y.

FOURTEENTH COUNCIL.

OCTOBER 1790 TO OCTOBER 1791.

THOMAS CHITTENDEN, Williston, *Governor.*

PETER OLCOTT, Norwich, *Lieutenant Governor.*

Councillors :

TIMOTHY BROWNSON, Sunderland,	JONATHAN HUNT, Vernon,
JOHN FASSETT, Jr., Cambridge,	EBEN'R WALBRIDGE, Bennington,
JACOB BAYLEY, Newbury,	ISAAC TICHENOR, Bennington,
THOMAS PORTER, Tinmouth,	NATHANIEL NILES, Fairlee,
SAMUEL SAFFORD, Bennington,	LUKE KNOULTON, Newfane,,
JOHN STRONG, Addison,	JONA. ARNOLD, St. Johnsbury.

JOSEPH FAY, Bennington, *Secretary.*

Aug. 12 1790, Lieut. Gov. Marsh declined being a candidate for re-election in the following letter, which is copied from the *Vermont Gazette* of Aug. 30 1790 :

To the Freemen of the State of Vermont.

FELLOW CITIZENS,—

Your confidence in my integrity and abilities has for several years (since the independence of this state has been contended for by her citizens) led you to give me your suffrages for the second office in the supreme executive branch of the government. As I deemed it my indispensable duty, so I have made it my highest ambition, in the execution of the business annexed by the constitution to this office, always to adopt and appear in favor of those measures, which would conduce most to the public weak, and in the most effectual way promote the interest and welfare of this state.

During the two last years, several embarrassments have conspired to make me decline accepting this appointment. Among these, the most considerable have been, an indisposed state of health, usually attendant on advanced age, and an ambition not to stand in the way of one whose superior merit might better entitle him to the office. Want of seasonable notice of my appointment at the election at Manchester, in 1788, (for my health did not permit of my attending) prevented my mani-

festing this disinclination at that time. I was likewise prevented making a resignation at the last election at Westminster, by a suggestion of my friends that *this* mode of declining further to serve you in this station, would give the fairest opportunity to determine who should be my successor, and perhaps be most satisfactory to my constituents. From these considerations, fellow citizens, I am induced, in this manner, to request you to turn your attention to some other candidate to fill the post I have now the honor to sustain, and to refrain at the ensuing, or any future election, from giving me your votes for lieutenant governor of this state.

Permit me, fellow citizens, on this occasion, to tell you with what real satisfaction I have received the repeated manifestations of your confidence, exhibited towards me in thus calling me from my private station, to share in the government of our free republic. Permit me likewise to anticipate with you the happy day when the state of Vermont shall not be the least pillar in support of that confederated government, which is cemented by a constitution that does honor to mankind, and is a demonstrative proof that the United States, in political genius, are not inferior to the boasted courts of Europe.

JOSEPH MARSH.

Hartford, 12th August, 1790.

There having been no election of lieutenant governor by the people, Hon. PETER OLCOTT was elected in Grand Committee.—For biographical notice see Vol. I, p. 241. Mr. Olcott having been elected Councillor by the people, the vacancy occasioned by his promotion was filled by the appointment of Hon. JONATHAN ARNOLD of St. Johnsbury.—For biographical notice see Vol. II, p. 51.

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SESSION WITH THE GENERAL ASSEMBLY AT CASTLETON,
OCTOBER 1790.

CASTLETON, 14 October 1790.

At a General Election Holden at Castleton on the 14th day of October 1790 :

Present His Excellency Moses Robinson Esqr. Governor, and the following Members of the Honorable Council viz^t Samuel Safford Jacob Bayley Peter Olcott Thomas Porter Timothy Brownson Ebenezer Walbridge. Joseph Fay Secy. Jonathan Bell Esqr. Sheriff.

A bill from the House was rec^d. appointing a Committee of fourteen to join a Committee from the Council to receive, sort and count the votes of the Freemen for Governor, Lt Governor, Treasurer, and Twelve Councillors, whereupon Resolved that Mes^{rs}. Safford, Olcott, Bayley, Walbridge, Porter & Brownson join said Committee.

The Committee reported the following Gentlemen to be duly Elected viz^t The Hon^{ble} Thomas Chittenden Esquire Governor. No choice for

L^t Governor. The Hon^{ble} Samuel Mattocks Esquire Treasurer. The Honorable Samuel Safford Peter Olcott Jonathan Hunt Isaac Tichenor Thomas Porter Jacob Bayley John Strong Ebenezer Walbridge John Fassett Timothy Brownson Nathaniel Niles & Luke Knollton Esquires Councillors.¹

Adjourned to 8 o'clock Tomorrow.

¹ The *Vermont Gazette* of Oct. 18 1790 contained the following :

Extract of a letter from a gentleman in Castleton, to his friend in this town [Bennington,] dated October 15.

The election closed last evening; his excellency Thomas Chittenden, was found to be elected governor by a majority of near 1300 votes. Dr. Arnold stands highest for lieutenant governor; the council the same as last year. Governor Robinson bears the loss of his chief magistracy with a fortitude which becomes the character of a philosopher and a christian; he delivered a very judicious and pathetic speech to the troops, enforcing the necessity of good order and discipline, and manifesting his entire satisfaction with their conduct. The appearance of the troops, and their military performance, equalled any thing which has ever been exhibited in the state; and indeed would have done credit to any nation.

GENERAL ORDERS.

HEADQUARTERS, CASTLETON, October 14, 1790.

His excellency the commander in chief takes this method to inform lieut. col. Lee, commanding officer, and the other officers and troops reviewed by him on the day of election, that their uniform and martial appearance merits his warmest approbation.

The artillery commanded by capt. Erwin. and the respective companies of cavalry belonging to major Clark's squadron, commanded by captains Clark, Hooker and Cobb; the light infantry companies commanded by captains Hooker, Chandler, Ramsdel, Johnson and Cleveland, performed the different evolutions of the day with such propriety and good order, as would have reflected honor on the best disciplined troops.

It is with the highest satisfaction that his excellency returns his grateful acknowledgments for the polite attention shewn to him and the officers present

JOSEPH FAY, *Adjutant General*.

Rev. Matthias Cazier, of Castleton, preached the election sermon.

On the declaration of the election of state officers, Gov. Robinson addressed both houses as follows, as appears from the *Vermont Gazette* of Oct. 25 1790:

His excellency Governor ROBINSON's speech on quitting the supreme magistracy.—[Oct. 14 1790.]

Gentlemen of the Council and house of representatives.

At the last annual election of the officers of this government, there was no choice made by the freemen of the supreme magistrate of the state; it was therefore the duty of the council and house of representatives, by their joint ballot, to elect some person to that office; it was the pleasure of the two houses to honor me with the appointment, of which I cheerfully accepted, and am conscious to myself that I have faithfully discharged my duty in the execution of that trust.

It appears from the present election, that the freemen have given their suffrages in favor of his excellency governor CHITTENDEN. I heartily acquiesce in the choice, and shall, with the greatest satisfaction, retire

FRIDAY 15th. October 1790.

Met according to adjournment.

Present the Hon^{ble} Samuel Safford Tim^o. Brownson Peter Olcott Thomas Porter Jacob Bayley Ebenezer Walbridge. Joseph Fay Sec^y. Jonathan Bell Esq^r. Sheriff.

A bill from the House was rec^d. requesting the Council to join in Grand Committee for the purpose of Electing a L^t Governor. The Hon^{ble} Timothy Brownson in the Chair, Joseph Fay Clerk. The Ballots being taken the Hon^{ble} Peter Olcott was declared to be duly Elected.

Adjourned to 8 o'clock Tomorrow.

SATURDAY 16th. October 1790.

Met according to adjournment.

Present His honor Peter Olcott Esq^r. L^t Gov^r. and the following Members of the Hon^{ble} Council viz^t. Samuel Safford Timothy Brownson Jacob Bayley Thomas Porter Ebenezer Walbridge. Joseph Fay Esq^r. Sec^y. Jonathan Bell Esq^r. Sheriff.

to private life, where I expect to enjoy that peace which naturally results from a consciousness of having done my duty.

The freemen have an undoubted right, when they see it for the benefit of the community, to call forth their citizens from behind the curtain of private life, and make them their rulers, and for the same reason to dismiss them at pleasure and elect others in their place. This privilege is essential to all free, and to republican governments. As a citizen I trust I shall ever feel for the interest of the state: the confidence the freemen have repeatedly placed in me ever since the first formation of government, lays me under additional obligation to promote their true interest.

Fellow citizens of the legislature, I wish you the benediction of heaven in the prosecution of the important business of the present session; that all your consultations may terminate for the glory of God and the interest of the citizens of this state, and that both those in public and private life may so conduct, in the several spheres in which God in his providence shall call them to act, as that, when death shall close the scene of life, we may each of us have the satisfaction of a good conscience and the approbation of our JUDGE.

Answer of the house of representatives to governor Robinson's speech.

Although the suffrages of the freemen of Vermont have replaced his excellency governor Chittenden in the chair of government, for the year ensuing, yet their representatives in general assembly are happy in having an opportunity of expressing their entire satisfaction with your late administration; and beg you to accept their warmest thanks for the services you have rendered them.

In republics like ours, every citizen has an equal right to be elected into the first office of government: upon this principle, we flatter ourselves you will feel no regret in retiring from office, and mixing with your fellow citizens, till they shall again call you to public view.

In your retirement, we wish you the full enjoyment of all the happiness and tranquillity which result from domestic life, and a consciousness of having discharged every duty both as a private citizen and a chief magistrate with faithfulness and integrity.

I have the honor to be, with great respect, your excellency's most obedient humble servant,

(by order of the house)

GIDEON OLIN, *Speaker*.

A bill from the House was rec^d. appointing a Committee to join a Committee from the Council to make an arrangement of the necessary business of the present Session. Resolved that Mr. Safford join said Committee.

A petition from Samuel Buck of Arlington Administrator on the Estate of Lemuel Buck Dec^d. praying that an Act pass to Enable him to Make & Execute Deeds of Certain Peices of Land mentioned in said petition, having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, also the following Petitions is refered to the same Committee viz^t the petition of *Benoni Thayer Collector of Peacham, the petition of Asahel Spaulding Collector of Sharon & David Curer [Currier] Collector for Varshire* praying for relief in Collecting the State land Tax, also a petition from a number of Inhabitents of New Huntington [Huntington] praying for a Land Tax. Resolved that Mr. Walbridge join the above said Committee on the whole of said petitions, and also to join the said Committee on the petition of the *Constable of Guildhall*, and the petition for a Land Tax in Johnson and Topsham. and also to join the Committee on the petition of Jesse Bogue [Frederick A. in the Assembly journal,] first Constable of Chittenden & Timothy Hibberd of Bethel praying for relief &c.

Adjourned to 10 oClock Monday Next.

MONDAY, October 18th 1790.

Met according to Adjournment.

Present his honor Peter Olcott Esquire Lt Governor and the following Members of the Honorable Council viz^t Samuel Safford Timothy Brownson Jacob Bayley Ebenezer Walbridge. Joseph Fay Sec^y.

Adjourned to 2 oClock P. M.

Met according to Adjournment.

A petition Signed Alden Spooner Praying to be Continued Printer to the State, having been read in General Assembly and a Committee consisting of one member from Each County, appointed to join a Committee of Council thereon, Resolved that Mr. Bayley and Mr. Brownson join said Committee.

The following petitions being read viz^t The petitions of Moretown, Duxbury, Calais [Calais,] Williamstown, Hinesburgh, and Tomblinson, [Grafton,] having been read in General Assembly, & a Committee appointed thereon to join a Committee of Council, Resolved that Mr. Walbridge join said Committee.

Hon^{ble} Luke Knoulton Esq^r arived & being duly qualified Took his seat in Council.

Adjourned to 8 oClock Tomorrow.

TUESDAY 19th October 1790.

Met according to adjournment.

Present His honor Peter Olcott Esquire Lt Governor, and the following Members of the Honorable Council viz^t Samuel Safford Timothy Brownson Jacob Bayley Ebenezer Walbridge Thomas Porter Luke Knoulton. Joseph Fay Sec^y. Jonathan Bell Esq^r. Sheriff.

A bill from the House was rec^d. appointing a Committee to join a Committee of Council to report the necessary alterations to be made in the Militia act, whereupon, Resolved that Mr. Safford join said Committee.

A petition from the Inhabitents of Bristol praying for a Land Tax, having been read in General Assembly. and a Committee appointed

thereon, to join a Committee of Council, Resolved that Mr. Brownson join said Committee.

A petition from the Inhabitents of Walden and sundry other Towns adjoining, praying for a land Tax, having been read in General Assembly & a Committee appointed thereon to join a Committee of Council, Resolved that Mr. Bayley join said Committee.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

A bill was rec^d. from the House appointing a Committee, to join a Committee of Council, to adopt some means for encouraging Agriculture, and useful Manufactories within this State. Resolved that Mr. Bayley join said Committee.

An Act annexing New Haven Gore to the Township of New Haven, having passed the General Assembly was read and Concurred.

Three petitions viz^t from the Inhabitents of Hungerford [Sheldon,] Smithfield & Fairfield, [one town, now Fairfield,] praying for a Land Tax, having been read in General Assembly and a Committee appointed thereon, Resolved that Mr. Brownson join said Committee.

The Ballots being called for a Secretary for the Council for the year ensuing, Joseph Fay was declared to be duly Elected, and was Sworn accordingly.

The Hon^{ble} Isaac Tichenor Esqr. being duly qualified as a member of Council took his seat accordingly.

An act annexing a part of New Haven to the Township of Weybridge having passed the General Assembly was read and nonconcurrent as it did not appear that the Inhabitents of either Town had been duly Notified.

An act to adjourn the Windsor County Courts having passed the General Assembly was ordered to be returned to the House by Mr. Knoulton for a Conference.

A bill from the House was rec^d. appointing a Committee to join a Committee of Council for the purpose of preparing a bill of Insolvency; Resolved that Mr. Tichenor join said Committee.

Adjourned to 8 o'Clock Tomorrow.¹

WEDNESDAY 20 October 1790.

Met according to adjournment.

Present [his] honor Peter Olcott Esquire L^t Governor and the following of the Hon^{ble} Council, viz^t Samuel Safford Tim^o. Brownson Jacob Bayley Thomas Porter Ebenezer Walbridge Isaac Tichenor Luke Knoulton. Joseph Fay Sec^y. Jon^a. Bell Esqr. Sheriff.

A Message from the House by Doct^r. Green was rec^d. requesting the Governor and Council to join in Grand Committee for the purpose of pointing out the mode of the County Elections for the ensuing year. They joined accordingly, His Honor L^t Governor Olcott in the Chair,

¹ From the *Assembly Journal*, Oct. 19 1790:

Resolved, That a Committee of two members from each county be appointed to meet his Excellency the Governor, and conduct him into town.—Members chosen—Mr. Brownson, [Col. Gideon,] Mr. Robinson, [Maj. Jonathan,] Mr. E. Smith, Mr. Wilson, Mr. Pond, Mr. Whitney, Mr. J. Spafford, Mr. Pearl, Mr. Chandler, [Gardner, of Brattleborough,] Mr. Hunt, [Gen. Arad, of Vernon,] Mr. Hatch, Mr. Gallup, Mr. Austin, and Mr. Morey.

Joseph Fay Esq^r. Clerk. Having agreed on a mode, Adjourned until Tomorrow Morning.¹

An Act to adjourn the County Court in and for the County of Windsor having passed the Gen^l Assembly was read & Concurred.

His Excellency Thomas Chittenden Esquire arived and was rec^d, at the Council Chamber, from whence he proceeded to the House of Assembly, and after Dilivering a Speech to both Houses was duly qualified by chief Justice Chipman to the office of Governor of the State of Vermont for the year Ensuing, after which he with the Council returned to the Council Chamber.²

Adjourned to 8 o'Clock Tomorrow.

¹ The members of Assembly were to meet in county conventions and nominate the necessary county officers. The nominations were then to be reported to both houses in Grand Committee, by which the elections were to be made—usually by a *viva voce* vote; but each member had the right to demand a ballot in any particular case, on giving notice before the nomination had been put to vote.

² The return of Gov. Chittenden to the executive chair seems to have been honored by the military display and public gathering usual on "election day" at that time. The *Vermont Gazette* of Nov. 1 1790 contained the following :

The speech of his excellency governor CHITTENDEN to the council and assembly, October 20, 1790.

GENTLEMEN OF THE COUNCIL AND ASSEMBLY,

I have received official information of my appointment by the freemen of this state to be their governor for the year ensuing. My heart is imprest with a grateful sense of the singular respect shewn and honor done me by this election.

This day witnesses the excellence and beauty of our glorious constitution; which by the blessing of heaven, the fortitude and perseverance of former conventions, councils, and assemblies, with the aid of the military force, we have obtained and supported, against the opposition of a potent foreign power, a haughty neighbouring government, and numerous domestic opposers. The constitution, gentlemen, grouped [groped] in the dark for days, months and years, but now it shines with purer lustre. By it our lives, properties, liberties and privileges, civil and religious, are protected: By it we retain a right to choose our own rulers and that from among ourselves;—by it we are rescued from submitting to the edicts of any foreign power, or neighboring government, while every civil officer is annually taught his dependence. The appearance of this day also evinces, that our government is well established, the minds of the people happily cemented, and every thing contributes to complete our political felicity, and prepare the way for the happy day when we shall add no small weight to the scale, and be under the protection of a new and glorious empire, which bids fair in a short time to vie in power and policy with any of the European States, which gives me more satisfaction than all the honors in the power of this or any other state to confer on me.

It is with some reluctance that I shall enter again into public service, all circumstances considered; yet the good of this people lies so near my heart, that when duty calls, nothing shall deter me from acting that part I judge will contribute most to the peace, happiness and prosperity

THURSDAY 21st October 1790.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esquire Gov^r. His Honor Peter Olcott Esquire Lt Governor and the following Members of the Honorable Council viz^t Samuel Safford Tim^r. Brownson Jacob Bayley Thomas Porter Ebenezer Walbridge Isaac Tichenor Luke Knoulton. Joseph Fay Sec^y. Jonathan Bell Esq^r. *Sheriff*.

An Act directing who shall Print for the State having passed the General Assembly was read and Concurred.

Agreeable to the order of the day, the Governor and Council joined the House in Grand Committee for the purpose of Electing County officers. Having nearly Completed the business & having herd [heard] the report of the Commissioners appointed to negotiate the settlement of boundary line between the States of N. York and Vermont, and the declaration of the Commissioners of N. York declaring the consent of the Legislature of N. York to relinquish all claims of Title and jurisdiction to the State of Vermont, having been read, the Committee adjourned until 10 oClock Tomorrow Morning. The Governor & Council then returned to the Council Chamber and Adjourned to 2^o Clock P. M.

Met according to adjournment.

Resolved that Mr Brownson join a Committee of the House on the following Petitions viz^t from the Inhabitants of Rochester, N. Fane, Guildhall and Stanford [Stamford,] praying for a Land Tax.

An Act pointing out the mode of filling Vacancies having passed the General Assembly in October 1789 and Suspended by the Council has this present Session been passed into a Law. On motion Mr. Tichenor is requested to return the bill to the House, together with another act more explicit requesting the House to pass the same into a Law in Lieu of the above.

of the people. Therefore with a firm reliance on receiving that kind aid and support from the Council and House of Representatives that the nature of my office requires, I shall accept the office to which I am elected, and am ready to take the qualifications pointed out by the constitution; and I pray God to grant me wisdom to conduct agreeable to his will, and then I trust it will be for the best good of his and my people.

The *Gazette* added: "His excellency was then duly qualified by chief justice Chipman in the presence of both houses, and a numerous body of spectators."

GENERAL ORDERS,

Given at head quarters, Castleton, October 20, 1790.

His Excellency the commander in chief orders, that his grateful acknowledgments be made known to Brigadier General Clark, commanding officer of the day, and the officers and troops under his command, for the honor done him, by their polite attention in escorting him to this place, together with the honorable reception on his arrival, by Captain Erwin his officers and company of artillery. His Excellency is happy in having an opportunity to express the high sense he entertains of the rapid progress made in military improvements, which is so conspicuous among the troops. He hopes by the continuance of their exertions they will soon be able to vie with the troops of any nation.

His Excellency further orders Brigadier General Clark to provide a proper escort, to wait on the late Governor Robinson, at such time as he may think proper to retire.

JOSEPH FAY, *Adjutant-General*.

A petition Signed Nehemiah Hopkins Having been read in General Assembly & a Committee appointed thereon to join a Committee of Council, Resolved that Mr. Safford join said Committee.

A petition Signed Jonas Fay having been read in General Assembly & a Committee appointed thereon to join a Committee of Council, Resolved that Mr. Porter join said Committee.

A message was rec^d from the House, requesting the Gov^r and Council to join in Grand Committee for the purpose of appointing a Member of Council to fill the vacancy made by the appointment of Mr. Olcott to be Lt Governor, also to appoint Judges of the Supreme Court. His Excellency Governor Chittenden in the Chair, Joseph Fay Esq^r Clerk. The ballots being taken for a Member of Council the Hon^{ble} Jonathan Arnold Esquire was declared to be duly Elected. The ballots being taken for the appoin^t of a Chief justice the Hon^{ble} Nathaniel Chipman Esq^r was declared to be duly Elected. The ballots being taken for the first side judge, the Honorable Noah Smith Esq^r was declared to be duly Elected. The ballots being taken for a second side judge the Hon^{ble} Samuel Knight Esquire was Declared to be duly Elected. Committee dissolved.

The Governor & Council returned to the Council Chamber and Adjourned to 9 o'clock Tomorrow.

FRIDAY 22^d October 1790.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. The Hon^{ble} Peter Olcott Esq^r. Lt Gov^r. and the following Members of the Hon^{ble} Council viz^t Samuel Safford Tim^o. Brownson Jacob Bayley Thomas Porter Eben^r Wallbridge Isaac Tichenor & Luke Knoulton Esq^{rs}. Joseph Fay Sec^y. Jonathan Bell Esq^r Sherif^t.

This Certifies all whom it doth or may concern that the Granting fees for the Township of East Haven are paid in full and that the same is paid into the Treasury in a former settlement made as Land Committee.

THOMAS CHITTENDEN *L. Committee.*

By order of the Governor, Certificates of the above delivered to the Treasurer and Sec^y of State agreeable to Law.

JOSEPH FAY Sec^y.

Agreeable to the order of yesterday the Gov^r and Council met the House in Grand Committee to Compleat the appointment of County officers and Adjourned [the Grand Committee] to 2 o'clock P. M. Monday next.

An Act appointing an Auditor of acc^{ts}. against this State, having passed the General Assembly, was read & Concurred.

The petition of Titus Watson praying for a suspension of Law against him for three years in Collecting Debts due from him, having been read in General Assembly and a Committee appointed thereon to join a Committee of Council—Resolved that Mr. Porter join s^d Committee.

An Act granting Liberty to Joel Lyman to enter an Action in the Supreme Court, viz^t Joel Lyman against Joel Lyman Jun^r having passed the Gen^l Assembly, was read & Concurred.

An Act altering the place of holding the Supreme & County Courts in the County of Chittenden having passed the General Assembly was read and Concurred.—[Removal to Burlington.]

Adjourned to 2 o'clock P. M.

Met according to adjournment.

A petition from the Widow Matisson Praying for a Confirmation of the last will & Testament of her Late Husband Dec^d. having [been] read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that M^r. Safford join said Committee.

Adjourned to 9 o'Clock Tomorrow.

SATURDAY 23^d. October 1790.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esquire Gov^r. His honor Peter Olcott Esquire Lt Governor, and the following Members of the Honorable Council viz^t Samuel Safford Jacob Bayley Tim^o. Brownson Thomas Porter Isaac Tichenor Ebenezer Walbridge Luke Knoulton. Joseph Fay Secy^r. Jonathan Bell Sheriff.

Adjourned to 2 o'Clock P. M.

Met according to adjournment, and Adjourned to 10 o'Clock Monday next.

MONDAY 24 [25th] October 1790.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. His honor Peter Olcott Esquire Lt Governor and the following Members of the Hon^{ble} Council viz^t Samuel Safford Jacob Bayley Tim^o. Brownson Thomas Porter Ebenezer Walbridge Isaac Tichenor Luke Knoulton. Joseph Fay Secy^r. Jon^a. Bell Esq^r. Sheriff.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

Met in Committee of both houses, to Compleat the County Elections, which finished, the Committee Dissolved.

A petition Signed Isaac Clark praying for Compensation for Land which he Bought of the State and has since lost by a Tryal at Law, having been read in General Assembly, and a Committee appointed thereon to join a Committee of Council—Resolved that M^r. Walbridge join said Committee.

Adjourned to 9 o'Clock Tomorrow.

TUESDAY 25th [26th] October 1790.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esq^r. Gov^r. the Hon^{ble} Peter Olcott Esquire Lt Governor and the following Members of the Hon^{ble} Council viz^t Samuel Safford Tim^o. Brownson Jacob Bayley Thomas Porter Ebenezer Walbridge Isaac Tichenor Luke Knoulton. Joseph Fay Secy^r. Jon^a. Bell Sheriff.

A petition Signed Elisha Sheldon Praying to be discharged or freed from Debt, having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that M^r. Safford join Said Committee.

An Act for Suspending of Law against Titus Watson having passed the General Assembly was read & Concurred.

An Act forming a Probate district in the County of Orange, & Two Probate districts in the County of Chittenden having passed the General Assembly were read & Concurred.

An Act Granting a Tax of one [penny] p^r acre on all the Lands in Williamstown, having passed the Gen^l Assembly was read and Concurred.

An Act Granting a Tax of one penny p^r acre on all the Lands in the Township of Orange, having passed the General Assembly was read and Concurred.

An Order drawn on the Treasurer for the Expence of Stephen R. Bradley Esquire one of the Commissioners to Congress for the sum of Twenty seven pounds L. money in Silver or Gold.

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An order drawn on the Treasurer for the Expence of Israel Smith Esquire one of the Commissioners to Congress for the sum of Nineteen pounds Ten shillings L. Money in Gold or Silver.¹

Adjourned to 2 oClock P. M.

Met according to adjournment.

An Act altering the name of the Township of Minden to that of *Craftsbury* having passed the General Assembly was read and Concurred.

An Act for raising a Tax of one penny half penny on the list and ratable Estate in the County of Orange, having passed the General Assembly was read & concurred.

An Act empowering Lemuel Buck to deed Land to William Bell &c. having passed the General Assembly was read & Concurred.

An Act empowering the Supreme and County Courts to chancery Bonds &c. having passed the General Assembly was read & Concurred.

Honorable John Strong Esquire arivd. and being duly qualified Took his seat in Council.

Whereas the Governor and Council Suspended the Collection of the Surveyor Generals Tax on the Township of Enosburgh in June Last until the rising of the Assembly in this present Session, on acc^t that it appeared to the Council that the Proprietors had paid said Tax—And whereas James Whitelaw Esq^r Surveyer General and Major David Fay his Dep^y have a dispute relative to ascertaining the survey of said Town by which it becomes Necessary that the lines should be Surveyed in order to Settle the dispute, therefore Resolved that the Collection of said Tax be suspended until the rising of the General Assembly in October Next and the Treasurer is hereby directed not to Issue his Execution for Collecting said Tax.

Adjourned to 8 oClock Tomorrow.

WEDNESDAY 26 [27th] October 1790.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esq^r Governor. His honor Peter Olcott Esquire L^t Gov^r and the following Members of the Hon^{ble} Council viz^t Samuel Safford Timothy Brownson Jacob Bayley Thomas Porter Ebenezer Walbridge John Strong Isaac Tichenor Luke Knoulton. Joseph Fay Sec^y. Jonathan Bell Sherif^f.

¹ Messrs. Bradley and Smith were "Commissioners," not to Congress, but to treat with the commissioners of New York. It is true, however, that Mr. Bradley was one of the *Agents* to Congress, appointed Oct. 27 1789, four days after he had been named as one of the Commissioners.

An Act dividing the County of Windsor into two half Shares [shires, Woodstock and Windsor,] having passed the General Assembly was read and Concurred.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

His Excellency the Governor & Council rec^d. a Message from the House, requesting them to join in a Committee of both houses for the purpose of Electing an Auditor of Acc^{ts}. His Excellency the Governor in the Chair, Roswell Hopkins Clerk, The Ballots being taken the Hon^{ble} Elisha Clark Esquire was declared to be duly Elected.

An Act enabling the Proprietors of Tunbridge to Confirm the doings of their former Proprietors Meetings, having passed the General Assembly was read & Concurred.

An Act altering the place of Holding Courts in the County of Chittenden, having passed the General Assembly was read & Concurred.

An Act to free from arrest and Seizure the Body and Estate of Col^o Elisha Sheldon, having passed the General Assembly was read & Concurred.

An Act Granting Susannah Matison of Shaftsbury a New Tryal before the Probate Court for the district of Bennington, having passed the General Assembly was read & Concurred.

Adjourned to 8 o'Clock Tomorrow.

THURSDAY 27 [28th] October 1790.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esquire Gov^r. His honor Peter Olcott Esquire Lt. Gov^r. and the following Members of the Honorable Council viz^t Samuel Safford Tim^o Brownson Jacob Bayley Thomas Porter Ebenezer Walbridge John Strong Isaac Tichenor Luke Knoulton. Joseph Fay Sec^y. Jon^{as} Bell Sheriff.

An Act in explanation of an Act Entitled an Act for the Limitation of Actions, having passed the General Assembly was read and Concurred.

An Act making an addition to the Committee in Shelburn Land Tax, having passed the General Assembly was read & Concurred.

A Message from the House was rec^d. requesting the Governor and Council to join in Committee of both houses for the purpose of appointing a Brigadier Gen^l of the 7th Brigade, when the Hon^{ble} Ira Allen Esquire was Declared to be duly Elected.¹

This Certifies whom it doth or may concern that the whole of the Granting fees for the Township of Dunkinsburgh [Duncansborough, now Newport, have been paid] and a rec^t in full has been given October 1790.

SAMUEL SAFFORD, } Land
JOHN STRONG } Committee.

Copy Exam^d. & True Copy D^d. to the Treasurer & Sec^y. of State.

JOSEPH FAY Sec^y.

This Certifies all whom it doth or may Concern that the whole of the Granting fees of the Township of Glover are paid and a rec^t in full has been given October 27, 1790.

SAMUEL SAFFORD } Land
JOHN STRONG } Committee.

True Copy Exam^d. and Lodged with the Treasurer & Secretary of State.

JOSEPH FAY Sec^y.

¹ Ira Allen was elected Major General of the third division, and Jonathan Spafford Brigadier General of the seventh brigade.

An Act Granting a Lottery to Certain persons therein named of £200 for the purpose of Erecting a bridge across Deerfield river, having passed the General Assembly was read and concurred.

An Act Granting a New Tryal to Ephraim Stevens having passed the General Assembly was read & concurred with the amendment that the Tryal be had at the next adjourned Term.

An Act for raising one penny on the pound in Windsor County having passed the General Assembly were read and returned to the House with proposals of amendment.

The Hon^{ble} Nathaniel Chipman Esquire appeared before His Excellency the Governor and was duly qualified to Execute the office of Chief Justice for the State of Vermont for the year Ensuing.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

An Act to release Collectors from State Taxes having passed the House, read & Concurred.¹

An Act directing the payment of Thirty Thousand dollars to the State of New York & declaring the boundary line between the State of New York & the State of Vermont, having passed the General Assembly was read and Concurred.

An Act appointing a Committee to Survey a road from Greensboro to Canada having been passed in General Assembly was read and concurred.

Adjourned to 8 o'clock Tomorrow.²

FRIDAY October 28 [29th] 1790.

Met according to adjournment.

Present as Usual.

The Honorable Ira Allen was yesterday appointed Major General of the 3^d Division & the Honorable Jonathan Spafford Esq^r was Elected Brigadier General of the 7th Brigade.

Resolved to adjourn this Council until the Second Monday in January Next, then to meet at Bennington, to which time & place the General Assembly have also adjourned.

THE END OF OCTOBER SESSION 1790.

JOSEPH FAY Sec^y.

¹ This was an act for the relief of certain collectors of state taxes.

² From the *Assembly Journal*, Oct. 28 1790:

Resolved, That his Excellency the Governor's salary, for the present year, be two hundred pounds; and the Treasurer is hereby directed to pay the same.

Resolved, That Samuel Mattocks, Esquire, Treasurer, be allowed one hundred and twenty pounds as his salary for the ensuing year.

On the same day, James Whitclaw was elected Surveyor General; Samuel Hitchcock, Attorney General; and Isaac Tichenor, Auditor of Accounts. The *Assembly Journal* closes as follows:

The Governor and Council appeared in the House—when his Excellency addressed the House in a short speech.—After which,

The House adjourned to the second Monday in January next, then to meet at the Court-House in Bennington.

RECORD OF THE GOVERNOR AND COUNCIL

AT AN

ADJOURNED SESSION WITH THE GENERAL ASSEMBLY

AT BENNINGTON, JAN. 10-27 1791.

BENNINGTON 10 January 1791.

At a Meeting of the Governor & Council according to adjournment.

Present His Excellency Thomas Chittenden Esquire Gov^r. His Honor Peter Olcott Esquire Lt Governor, and the following Members of the Honorable Council viz^t Samuel Safford Timothy Brownson John Fassett John Strong Ebenezer Walbridge Isaac Tichenor Jonathan Hunt Nathaniel Niles & Jonathan Arnold. Joseph Fay Sec^y. David Robinson Sheriff.

The Honorable Jonathan Hunt, John Fassett & Jonathan Arnold, having been duly qualified before the Governor, took their Seats in Council.

Adjourned to 9 o'clock Tomorrow morning.

TUESDAY 11th. January 1791.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esquire Gov^r. His Honor Peter Olcott Esquire Lt Governor, and the following Members of the Hon^{ble} Council viz^t Tim^o. Brownson Samuel Safford John Fassett John Strong Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Nathaniel Niles Jonathan Arnold. Joseph Fay Sec^y. David Robinson Sheriff.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

A Letter from Moses Robinson Esquire, Vice President of the Convention, was rec^d. enclosing the Resolutions and final Ratification of the Constitution of the United States, whereupon His Excellency the Governor and Council proceeded to the House, and the Governor then Laid the proceedings of the Convention before them, and Recommended to them to proceed to the necessary business of the Session, taking it up on the Stage where it was Left in October last.¹

The Honorable Thomas Porter Esquire appeared and took his seat in Council.

Adjourned to 9 o'clock Tomorrow.

WEDNESDAY 12 January 1791.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esq^r Gov^r. His honor Peter Olcott Esquire Lt Governor and the following Members of the Honorable Council viz^t Tim^o. Brownson John Fassett Samuel Safford Thomas Porter Nathaniel Niles Ebenezer Walbridge Jonathan Hunt John Strong Isaac Tichenor Luke Knoulton Jonathan Arnold. Joseph Fay Sec^y. David Robinson Esq^r Sheriff.

¹ For proceedings of the Convention on the Constitution of the United States, see *Appendix*.

A Message from the House was rec^d. by Mr. Hitchcock requesting the Governor and Council to join the House in Grand Committee to Take under Consideration the mode to be persued to negotiate a Union of this State into the Government of the United States. The Governor & Council joined accordingly. His Excellency the Governor in the Chair, Roswell Hopkins Esquire *Clerk*. After debating Largely on the business of the Committee they adjourned to 2 o'Clock P. M. The Council also adjourned to the same hour.

Met according to adjournment & joined in Grand Committee.

On Motion of Mr. Lyon the Committee Resolved to appoint Senators to attend the Congress of the United States. They also Resolved a Sub Committee of Ten to prepare certain articles to lay before this Committee to be recommended to the Legislature, in consequence of the recom-mendatory restrictions [resolutions in the Assembly journal] of the Late Convention of this State,—Members choosen, His Excellency the Governor, Hon^{ble} Gideon Olin, Isaac Tichenor, Stephen R. Bradley, Nath^l Niles, Elijah Paine, Samuel Hitchcock, Jonathan Arnold, Israel Smith, and Ira Allen Esquires.

[The Council] Adjourned to 9 o'Clock Tomorrow.

THURSDAY 13 January 1791.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esquire Governor, His honor Peter Olcott Esq^r. Lt. Governor & the following Members of Council viz^t Tim^o. Brownson John Fassett Samuel Safford Thomas Porter John Strong Jonathan Hunt Nath^l Niles Eben^t Walbridge Isaac Tichenor Luke Knoulton Jonathan Arnold. Joseph Fay *Secy*. David Robinson *Sheriff*.

The Governor and Sundry Members of Council being in Committee they adjourned to 2 o'Clock P. M.

Met according to adjournment.

His Excellency rec^d. a Letter from Ros^l Hopkins Esq^r. resigning his office as judge of Probate for the district of Addison, which was accordingly Accepted.

Adjourned to 9 o'Clock Tomorrow.¹

¹ The following proceedings in grand committee this day were not entered in the record of the Council:

The governor and council appeared in the house, when the grand committee met pursuant to adjournment.

The sub-committee made the following report, viz.

Resolved, That it be recommended to the legislature to appoint a commissioner or commissioners to repair to the congress of the united states of America, as soon as may be, whose duty it shall be to endeavour that the act of congress admitting the state of Vermont into the federal union, be so predicated on the act of the commissioners of the state of Newyork, done at Newyork October 7, 1790, and on the act of this state in consequence thereof, that those acts be considered as the basis of our admission; and also, that in said act of congress the state of Vermont be recognized as a sovereign independent state, since the 15th day of January 1777.

This was read and accepted.

FRIDAY 14 January 1791.

Met according to adjournment.

Present His Excellency Thomas Chittenden Esquire Gov^r. His Honor Peter Olcott Esquire Lt Governor, and the following Members of the Honorable Council viz^t. Tim^o. Brownson John Fassett Samuel Safford Thomas Porter Nath^l. Niles Ebenezer Walbridge Jonathan Hunt John Strong Isaac Tichenor Luke Knoulton Jonathan Arnold Joseph Fay Sec^y. David Robinson Sheriff.

A bill from the House was rec^d. appoint^g a Committee to join a Committee of Council to receive the return and Chart of the Surveyor General; Resolved that Mr Walbridge & Mr. Tichenor join said Committee.

A written Message from the House was rec^d. requesting the Governor & Council to join in Grand Committee for the purpose of filling such Vacancies in the offices of Government as may be found necessary; to meet at 10 oClock Tomorrow.

A bill from the House was rec^d. appointing a Committee of three to join a Committee from the Council to draft a bill for the purpose of appointing [United States] Senators; Resolved that Mr. Tichenor & Mr. Niles join said Committee.

An Act in explanation of and in addition to an Act Laying a Tax on lands in Cornwall in the County of Addison was read in Council having passed the General Assembly; sundry debates arising, Mr Tichenor requested that the bill Lie on the Table until the Parties concerned in said Act have an opportunity to agree.

Adjourned to 2 oClock P. M.

Met according to adjournment.

An Act in Explanation of & in addition to an act laying a Tax in Cornwall being read a Second time was Concurred.

An Act Granting a Tax of one penny on the pound on the Polls [polls] and ratable Estate in the County of Windham having passed the General Assembly was read and Concurred.

An Act declaring the Town of Hancock to belong to the County of Addison having passed the House was read & Concurred.

Adjourned to 9 oClock Tomorrow.

SATURDAY 15 January 1791.

Met according to adjourn [adjournment.]

Present His Excellency Thomas Chittenden Esqr. Gov^r. His Honor Peter Olcott Esquire Lt Governor and the following Members of the Hon^{ble} Council viz^t. Timothy Brownson John Fassett Samuel Safford Thomas Porter Nathaniel Niles Ebenezer Walbridge Jonathan Hunt John Strong Isaac Tichenor Luke Knoulton Jonathan Arnold. Joseph Fay Sec^y. David Robinson Sheriff.

The Grand Committee met according to the order of yesterday for the purpose of appointing and filling the vacancies of the Necessary offices of Government, His Excellency the Governor in the chair, Joseph Fay Clerk. The Honorable John Strong Esquire was duly elected Judge of

Mr. Niles moved, that the commissioners apply to congress by a memorial from the legislature. It passed in the affirmative.

The committee then rose. Attest, ROSWELL HOPKINS, Clerk.

The resolution of the committee doubtless embraced the substance of "the recommendatory resolutions" of the Convention. The proposition of Mr. Niles was not concurred in by the General Assembly.

Probate for the district of Addison; Preserved Dakens Justice of the Peace for said County—Asa Wilmout Justice of the Peace for Do. Noah Chittenden Justice of the Peace in and for the County of Chittenden—Elisha Barber Justice of the Peace [for] Hinesburgh, Chittenden County, Jonas Whitney Justice of the Peace [for] Marlborough Windham County.

Committee adjourned to 9^o Clock Tuesday Next.

The Grant made to the Widow Hester Warner and the Heirs of Colonel Seth Warner Dec^d. of Two thousand acres of Land, being laid before the Council Together with the return of the Surveyor General of said piece of Land, Resolved that the Secretary of Council be & he is hereby directed to Issue a Charter of said Land Taking therefor the Lawfull fees for said Charter.

The petition of Colonel Benjamin Cooley praying to be discharged from a Certain fine laid on him by the Supreme Court in 1786 being read & the Circumstances thereof duly considered, whereupon, Resolved that said petition be dismissed.

A petition from Colonel John Barren [Barron] in behalf of himself and the Inhabitents and Land holders in Moortown [Bradford] having been read in General Assembly & a Committee appointed thereon to join a Committee of Council, Resolved that Mr Hunt & Mr Safford join said Committee.

The Honorable Samuel Mattocks Esquire as Principle, & the Honorable John Strong and Nath^l Chipman Esq^{rs} as sureties appearing before the Governor and Council, acknowledge themselves jointly & severally recognized & firmly bound unto the Secretary of this State for the sum of *Ten thousand pounds* L. Money & that for the faithfull payment of the said Sum they and their heirs are jointly & severally bound, Conditioned in the following manner viz^t that if the above bound Samuel Mattocks shall faithfully Execute and discharge the duty of Treasurer for the State of Vermont for the year Ensuing so that no damage be sustained to the public or any Individual in his said office of Treasurer, that then this Obligation be void and of no effect or otherwise to remain in full force & Effect in Law.

Attest

JOSEPH FAY Sec^y.

£10,000.

I hereby certify that the Granting Fees for the Township of *Billymead* [Sutton] in the County of Orange Granted to Jonathan Arnold Esquire & Associates have been by him fully Settled and paid.

SAMUEL SAFFORD } *Land*
Committee.

Examined and Recorded by order of the Governor, and Duplicates Lodged with the Treasurer and Secretary of State.

Attest

JOSEPH FAY Sec^y.

Adjourned to 2^o Clock P. M.

Met according to adjournment.

The petition of Nathan Daniels of Brandon praying for the remission of a fine laid on him by the Supreme Court in 1786 was read & the question being put wheather the prayer thereof be Granted it passed in the Negative.

Adjourned to 10^o Clock Monday Next.

MONDAY 17th January 1791.

Met according to adjournment.

Present His Excellency Governor Chittenden, His honor^{le} Lt Governor Olcott and the following Members of the Hon^{ble} Council viz^t John Fas-

sett Samuel Safford Thomas Porter Nathaniel Niles Ebenezer Walbridge Jonathan Hunt John Strong Isaac Tichenor Luke Knoulton Jonathan Arnold. Joseph Fay *Sec^y*. D. Robinson *Sheriff*.

Resolved that Mes^{rs}. Niles & Arnold be a Committee to prepare a bill pointing out the mode of choosing [United States] Senators.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

An act dividing the Two Heros into Two Towns read & Concurred.

Adjourned to 9 o'clock Tomorrow.

TUESDAY 18 January 1791.

Met according to adjournment.

Present His Excellency Governor Chittenden, His Honor Peter Olcott Esq^r. Lt Governor, and the following Members of the Honorable Council viz^t Timothy Brownson John Fassett Thomas Porter Samuel Safford Nath^l. Niles Ebenezer Walbridge Luke Knoulton Jonathan Hunt John Strong Isaac Tichenor Jonathan Arnold. J. Fay *Sec^y*. David Robinson *Sheriff*.

Agreeable to a bill from the House of Yesterday, the Governor and Council joined the House in Grand Committee for the purpose of Electing Commissioners to repair to the Congress of the United States to Negotiate the admission of this State into the Union of the United States. On Motion of Mr. Tichenor to proceed to the Election the Ballots being taken, the Hon^{ble} Nathaniel Chipman Esq^r. & Lewis R. Morris Esquire was Declared to be duly Elected.

The Committee then proceeded Agreeable [to] Adjourn^t to appoint Edward Viel, Peter Lewis of Danby, and John Stafford of Harwich [Mount Tabor] Justices of the Peace for the County of Rutland.

Committee Dissolved.

JOS. FAY *Clerk*.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

The petition of Benjamin Marvin in behalf of the Inhabitents of Missisco Tongue Praying for a Title to their Lands, having been read in the General Assembly and a Committee appointed thereon to join a Committee of Council to State facts and make Report, Resolved that Mr. Safford and Mr. Brownson join said Committee.¹

This may certify that Ebenezer Strong and Benjamin Davis Esquires, have paid into the Treasury (the same being rec^d. to them) four hundred

¹ The town of Alburgh has borne more names probably than any other town in the State. The editor remembers the following: *Point Algonquin*, *Point du Detour*, and *Point Detouror*, by the French; the last name in English was *Turn about*—so named perhaps by some footman who had reached the southern point of the land and found himself forced by the water to *turn about* in earnest; *Missisco Tongue*, and *Missisco Leg*, from the shape of the land; *Caldwell's Upper Manor*, from a claim of Henry Caldwell, of Belmont, near Quebec; and finally *Alburgh*. Rev. D. T. Taylor stated that the last name is an abbreviation of *Allensburgh*, perhaps from Hon. Heman Allen of Highgate, who purchased Caldwell's claim, and Ira Allen who was also a claimant to Alburgh. The town was once advertised as *Allensburgh*.—See *Chorographical Map of the Northern Department of North America*, in *Doc. Hist. of New York*, quarto edition, Vol. 4; and *Vt. Hist. Mag.* Vol. II, pp. 487, 488.

& Twenty pounds as Granting fees for the Township of Norton, in full for sixty rights at Seven pounds p^r right.

£420.

SAMUEL MATTOCKS, *Treasurer*.

Treasury office, January 17th. 1791.

True Copy recorded by order of the Governor. JOSEPH FAY Sec^y.

A bill for the purpose of appointing [United States] Senators was read & passed the Council and ordered to be sent to the House of Assembly to be passed into a Law of this State.

A Survey bill Signed James Whitelaw Surveyer Gen^l of a Township of land situate west of Duncansburgh [Newport] having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that Mr. Arnold and Mr. Strong join said Committee State facts & report.

An Act Granting a Tax of one penny p^r acre on the lands in the Township of Tomlingson [Grafton] having passed the General Assembly was read & Concurred.

An Act Granting a Tax of 2^d p^r acre on the Township of Fairfield, returned to the House proposing one penny in lieu of 2^d and that the name of *Silas Hatheway* be Erased and *Joseph Baker* Inserted in lieu thereof.

An Act Granting a Tax on the Township of Smithfield [now part of Fairfield] returned to the House with the same amendments proposed as in Fairfield.

An act Granting a Tax of Two pence on the acre in the Township of Hungerford [Sheldon,] returned to the House with proposals of one penny instead of Two pence.

An Act Granting a Tax of one penny p^r acre on the Township of Bristol having passed the General Assembly was read and Concurred.

An Act Granting a Tax of one penny on Each acre of Land in the Township of Guildhall having passed the General Assembly was read and Concurred.

Adjourned to 9 o'Clock Tomorrow.

WEDNESDAY 19 January 1791.

Met according to Adjournment.

Present His Excellency Governor Chittenden, His honor Peter Olcott Esquire L^t Governor and the following Members of the Hon^{ble} Council viz^t Tim^o. Brownson John Fassett Samuel Safford Thomas Porter Nath^l. Niles Ebenezer Walbridge Jonathan Hunt John Strong Isaac Tichenor Luke Knoulton Jonathan Arnold. Joseph Fay Sec^y. David Robinson *Sheriff*.

Mr. Bradley, Mr. Hitchcock & Mr. Paine being a Committee from the House to Confer with the Council upon the act sent from Council to the House for appointing Senators, & to inform the Council of the reasons for not passing the Same into a Law of this State, Resolved that Mr. Tichenor, Mr. Arnold and Mr. Walbridge be appointed to Confer with said Committee on the Subject.

An Act directing the Mode of choosing [United States] Senators to represent this State in the United States, having passed the General Assembly was read & Concurred.

A Message from the House was rec^d by Major Robinson informing the Council that the House were now proceeding to ballot for [United States] Senators, and to request the Council to meet them at the opening of the House [in the afternoon] to join in Grand Committee to Compare the Nominations and to Complete the Election.

Resolved that Mr. Tichenor inform the House that the Council also proceed to Nominate Senators and will Meet them according to their request.

The Ballots being taken for Two persons to represent the Legislature of this State in the Senate of the United States,—The Hon^{ble} Moses Robinson Esquire & Nath^l Niles Esq^r were declared to be Nominated by a Majority of the whole Votes of the Governor and Council.

Adjourned to 2 oClock P. M.

Met according to adjournment.

A Message from the House was rec^d. by Major Robinson requesting the Governor and Council to join in Grand Committee for the purpose of Electing [United States] Senators, whereupon Resolved that the Governor & Council join the House in Grand Committee for the purpose of Electing Senators to represent the Legislature of this State in the Senate of the United States.

Being Met His Excellency the Governor in the Chair, Ros^l Hopkins Esquire Clerk, the Ballots being taken the Hon^{ble} Moses Robinson Esq^r & Stephen R. Bradley Esq^r was declared to be duly Elected. The Committee Dissolved.

On the petition of Stilman Foot, Resolved that Mr. Niles join the Committee of the House to Take the Same under Consideration State facts and Make Report.

Adjourned to 9 oClock Tomorrow.

THURSDAY 20 January 1791.

Met according to Adjournment.

Present His Excellency Governor Chittenden, His Honor Lt. Governor Olcott & the following Members of the Hon^{ble} Council, Tim^r. Brownson John Fassett Samuel Safford Thomas Porter Nath^l Niles Ebenezer Walbridge Jonathan Hunt John Strong Isaac Tichenor Luke Knoulton Jonathan Arnold. Jo^s. Fay Secy. David Robinson *Sheriff*.

An Act Granting a Tax of one penny half penny on the Poles and ratable Estate in the County of Addison having passed the General Assembly was read & Concurred.

An Act in addition to an act for altering the Time for holding the Courts in Bennington & Chittenden Counties having passed the General Assembly was read & Concurred.

An Act appointing Commissioners from this State to repair to the Congress of the United States, having passed the General Assembly was read & returned to the house with proposals of amendment viz^t that the free persons in this State exceed 90,000 in lieu of 100,000.¹

An act Granting a Tax of on penny p^r acre on the lands in the Township of Stockbridge, having passed the General Assembly was read & Concurred.

An act Granting a Tax of one penny p^r acre on the lands in the Township of Burk, having passed the General Assembly was read & Concurred.

An act appointing Commissioners from this State to the Congress of the United States, was returned from the house with their Concurrence, with this further amendment viz^t that the words be inserted "In the opinion of this Legislature," whereupon the bill was again read & Concurred.

¹ The census of 1791, as corrected in the report of the census for 1870, gave 85,533 as the population of the state.

An act Granting a Tax of 2^d p^r. acre on the lands in the Township of Topsham having passed the General Assembly was read & Concurred.

An act Granting a Tax of one penny on Each acre of Land in the Township of *Calais* having passed the General Assembly was read & Concurred.

An act to Enable the Heirs of Amos Marsh Late of Clarindon deceased to commence an action for the recovery of a Lot of Land, having passed the General Assembly was read & Concurred.

An act repealing an act Dividing the County of Windsor having passed the General Assembly and the Same having been read in Council & largely Debated before them by the attorneys on behalf of the parties, whereupon the question was put wheather the Council would *Concur* & it passed in the negative.—On motion the further Consideration was agreed to lie until Tomorrow morning.

Adjourned to 9 oClock Tomorrow.

FRIDAY 21 JAN^y 1791.

Met according to adjournment.

Present His Excellency Governor Chittenden His honor Lt Governor Oleott and the following Members of the Hon^{ble} Council viz^t Tim^o. Brownson John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Nathaniel Niles Isaac Tichenor Luke Knoulton Jonathan Arnold. Joseph Fay Sec^y. David Robinson Sheriff.

An Act Granting a Tax of 4^d p^r. acre on all the lands in the Township of St Johnsburry having passed the General Assembly was read and Concurred.

An Act directing an appeal in the cause depending between *William Fitch* and *Joseph Capron* in the County Court in the County of Addison, having passed the General Assembly was read and Concurred.

A petition Signed John Kelly & Nathaniel Chipman. in behalf and as agents for the Hon^{ble} *Chief Justice Jay* praying for a Grant of Land, having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved, that Mr. Safford and Mr. Porter join said Committee.

A bill from the House rec^d. appointing a Committee to join a Committee of Council for the purpose of adopting some Measres for the Encouragement of Agriculture and useful Manufactures, Mr. Arnold and Mr. Niles were appointed to join said Committee.

An act Granting a Tax of one penny p^r. acre on the lands in the Township of *Walden* having passed the General Assembly was read and Concurred.

An act Granting a Tax of Two pence on Each acre of Land in *Moor Town* [Moretown] having passed the General Assembly was read and Concurred, Inserting *Walter Avery* in lieu of *John Easton*.

An act Granting a Tax of 2^d p^r. acre on the lands in the Township of Duxbury having passed the General Assembly was read & Concurred.

Adjourned to 2 oClock P. M.

Met according to adjournment.

An Act Granting a Tax of one penny p^r. acre in Johnson having passed the General Assembly was read and Concurred.

Adjourned to 9 oClock Tomorrow.

SATURDAY 22^d January 1791.

Met according to adjournment.

Present His Excellency Governor Chittenden, His Honor Lt Governor Olcott, and the following Members of the Hon^{ble} Council viz^t Timothy Brownson John Fassett Samuel Safford Thomas Porter Nathaniel Niles Ebenezer Wallbridge Jonathan Hunt John Strong Isaac Tichenor Luke Knowlton Jonathan Arnold. Joseph Fay Sec^y. David Robinson Sheriff.

An Act directing the *wedth* [width] of *Sleds* in the Counties of Orange and Windsor, having [passed] the Gen^l Assembly was read & Concurred.

Adjourned to 2^o Clock P. M.

Met according to adjournment.

An Act for repealling an Act Entitled an Act for dividing Windsor County having passed the House was returned by Mr. Niles with proposals of Amendment.

Adjourned to 10^o Clock Monday next.

MONDAY 24 January 1791.

Met according to adjournment.

Present His Excellency Governor Chittenden, His honor Lt Governor Olcott and the following Members of the Honorable Council viz^t Tim^o Brownson John Fassett Samuel Safford Thomas Porter Nathaniel Niles John Strong Ebenezer Wallbridge Jonathan Hunt Isaac Tichenor Luke Knoulton Jonathan Arnold. Joseph Fay Sec^y. David Robinson Sheriff.

Adjourned to 2^o Clock P. M.

Met according to adjournment.

The Honorable Noah Smith Esquire having resigned his office as an assistant Judge in the Supreme Court which is accordingly accepted and the Same Notified to the General Assembly.—His resignation is in the following Words viz^t

To his Excellency THOMAS CHITTENDEN Esq^r. Gov^r. &c.

Sir,—Under a Grateful Sense of the honor done me by the Legislature in appointing me (by a choyce said to be unanimous) to the high office of assistant judge of the Supreme Court, I beg leave most respectfully to Communicate to your Excellency and the Council, that the peculiar Situation of my private affairs connected with my late Election as Senator, renders it Impracticable for me any longer to Serve the State as judge.¹

I do therefore most respectfully resign the office of assistant Judge of the Supreme Court and request your Excellency to Communicate this my resignation to the Legislature.

With Sentiments of high respect, I am your Excellencies most Obedient Humble Servant,

NOAH SMITH.

Bennington 21 January 1791.

Copy Examined,

JOSEPH FAY Sec^y.

Resolved that the foregoing resignation (at the request of Mr. Smith) be Transmitted to the Gen^l Assembly.

On Motion of Mr. Knoulton Resolved that the Grant of a Gore of Land made to the said Knoulton of Ten thousand acres be called and

¹ Mr. Smith was *nominated* by the Assembly as one of the two United States Senators to be elected; but was not elected—See *ante* p. 224. At the next session, Oct. 1791, Messrs. Robinson and Bradley resigned their commissions as Senators, when both were re-elected. The reason for this action was that the first election was premature, as the state had not been admitted into the Union.

known by the name of Bakersfield, and that the Governor and Council order the Secretary to make out & Execute a Charter of Incorporation reserving three hundred acres for the use of a Minister & Schools in said district, to be 150 acres Each.

IN GENERAL ASSEMBLY 24 January 1791.

Resolved that his Excellency the Governor be & he is hereby directed to Issue a Commission under the Seal of this State to the Commissioners appointed to the Congress of the United States for the purpose mentioned in the act for appointing said Commissioners.

Attest

L. R. MORRIS, Clerk.

An Act Staying an Execution of [against] the propri^{ties} of Randolph having passed the General Assembly was read and non Concurred & the reasons Stated in writing.⁴

An Act repealing a Certain act for Establishing a boundary line between the Towns of Leicester and Salisbury was read and returned to the House with proposals of amendment.

On a Resolution of the General Assembly directing the Governor to Draw on the Treasurer for fifty pounds in hard Money for N. Chipman & M^r. Morris Commissioners to Congress, an order was drawn accordingly Signed by the Governor.

Adjourned to 9 o'clock Tomorrow.

TUESDAY 25 January 1791.

Met according to adjournment.

Present His Excellency Governor Chittenden, His honor Lt Governor Olcott and the same Members of the Hon^{ble} Council as yesterday.

An Act Granting Moortown [Bradford] having passed the General Assembly was read and Concurred with this amendment viz^t that the Inhabitents be allowed until April 1792 for the payment of the Granting fees.

An Act for the due Observance of the Lords day having passed the Council was ordered to be sent to the General Assembly to be passed into a Law of this State.

An Act Granting Stilman Foot a new Tryal read and Concurred.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

The Governor and Council proceeded to join the House in Grand Committee for the purpose of appointing an assistant judge of the Supreme Court in lieu of Noah Smith Esq^r resigned. The Ballots being taken the Hon^{ble} Nathaniel Niles Esquire was declared to be duly Elected, also John Savage & Benjamin Marvin was Elected justices of the Peace for Chittenden County.

An Act to repeal an Act relating to Confiscated estates having passed the General Assembly was read & Concurred.

⁴ A bill, entitled *An act staying proceedings on a certain execution therein named*, was returned from council non concurred, the council viewing the right of granting new trials to be vested in the supreme judiciary department; they also are of opinion, that by the 4th and 6th sections of the constitution, the legislature have not a constitutional right to suspend the judgment of a judicial court; which was read, and the house acquiesced in the opinion of the council.—Printed *Vt. Assembly Journal*, Jan. Sess. 1791, p. 67.

An Act Granting a Tax of two pence p^r. acre in the Township of—¹ having passed the General Assembly read & Concurred with one penny in lieu of 2^d.

An Act Granting a Tax of one penny in Brookfield read and Concurred.
An Act repealling an act for fulfilling Contracts having passed the Gen^l. Assembly read & Concurred.

An Act Granting a Tax of 1^d. $\frac{1}{2}$ penny on Randolph read and Concurred.

An Act Granting a Tax of one penny in the Townships of *Hardwick*, *Glorer*, *Barton*, *Brownington*, *Salem*, *Woodbury* and *Derby*, a half penny p^r. acre on *Lutterloh* [Albany] having passed the General Assembly was read & concurred with amendment, that Timothy Hinman be Collector for *Derby* & *Salem*, Aaron Robinson for *Brownington* & *Hardwick*, John Safford for *Glorer*, Daniel Cahoon for *Barton*, & Heber Allen for *Lutterloh* [Albany.]

Adjourned to 9 o'clock Tomorrow.

WEDNESDAY 26 January 1791.

Met according to adjournment.

Present as yesterday.

The Governor and Council proceeded to join the House in Committee of both Houses to Elect a Major General & a Brigadier General to the 1st Division. The Ballots being taken the Hon^{ble} Samuel Fletcher Esquire was declared to be duly Elected a Major General. [The Grand Committee] Adjourned to 2 o'clock P. M.

An Act appointing Inspectors to [of] Pot & Pearl ashes read & Concurred.

An Act to Enable the Proprietors of Bethel to Collect Taxes having passed the General Assembly was read and Concurred.

An Act appointing Judge of the Supreme [Court] to sit in certain causes in the County of Windham having passed the General Assembly was read and Concurred.

An Act Granting a Tax of one penny p^r. acre in Hyde Park, having passed the General Assembly was read and Concurred.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

An [act] directing Listers in their office and duty passed with Some Amendments Entered on the bill.

An Act Granting John Kelley a New Tryal read & Concurred.

The Governor and Council Met in Grand Committee Agreeable to adjournment and proceeded to the Choice of Brigadier Generals to the first and Eighth Brigades of the Militia of this State. The Ballots being Taken, Arad Hunt was declared to be duly choosen for the first Brigade & Stephen R. Bradley Esquire for the Eighth.

An Act dividing the Towns of Williston & Burlington into two Seperate Ecclesiastical Societies read & Concurred.

An Act to Enable the Proprietors of Hinesburgh to Call a Meeting of the proprietors of said Town, having passed the General Assembly was read & non concurred, & M^r. Strong appointed to inform the House of the reasons for their nonconcurrence.

Adjourned to 9 o'clock Tomorrow.

¹ Probably Morristown and Stowe, the House having sent up one bill for both towns.

THURSDAY 27 January 1791

Met according to adjournment.

Present as yesterday.

An Act dividing this State into Districts for appointing representatives to Congress having passed the General Assembly was read & concurred with Amendments.

An Act for Securing Jonathan Fassett from arrest having passed the General Assembly was read and Concurred.

An Act Making of it the duty of the Major Generals to review the Militia of this State & repealling that clause of the Militia Act Making it the Duty of the Captain General was passed in Council and sent to the General Assembly to be passed into a Law of this State.

In Grand Committee Elijah Paine Esq^r was Elected assistant judge of the Supreme Court in lieu of N. Niles Esquire resigned, [declined.]

An Act appointing two judges in the County of Orange to sit in Certain Causes having passed the General Assembly was read & nonconcurred.

An Act in addition to an Act for Summoning Jurors [jurors] having passed the General Assembly read & Concurred.

An Act freeing the body of Nath^l Gove from arrest having passed the General Assembly was read and Concurred.

An Act directing Collectors in their office and duty read and Concurred.

An Act directing Sheriffs in their office and duty read and concurred.

On a Message from the House by Mr. Todd informing the Governor and Council that the General Assembly had completed the business of the Session and requesting the Governor & Council to attend in order to Close the Session in due form—the Governor and Council proceeded to the House and Closed accordingly.

[Governor and Council] Adjourned to 2 o'clock [P. M.]

Met according to adjournment & Adjourned without Day.

A Debenter of COUNCIL at their Session Holden at Bennington by adjournment, commencing January 10th 1791 & ending the 27th both days included.

His hon^r Lt Governor Olcott £15 6 8, Tim^r Brownson 6 12 4, Jn^r Fassett 8 16 0, Samuel Safford 6 6 8, Thomas Porter 6 11 4, Nathaniel Niles 8 9 4, John Strong 7 19 4, Ebenezer Walbridge 6 6 8, Jon^r Hunt 7 1 8, Isaac Tichenor 6 6 4, Luke Knoulton 6 5 4, Jonathan Arnold 9 2 8, Joseph Fay Sec^y 8 2 4, David Robinson Sheriff 5 8 4.—[Total] £108 18 0.

True Copy,

Attest,

JOSEPH FAY Sec^y.

THE END OF JANUARY SESSION 1791

AND THE END OF VOL. 2^d [manuscript.]Recorded by JOSEPH FAY Sec^y to the Gov^r & Council.TREASURERS OFFICE Bennington Jan^y 27 1791.

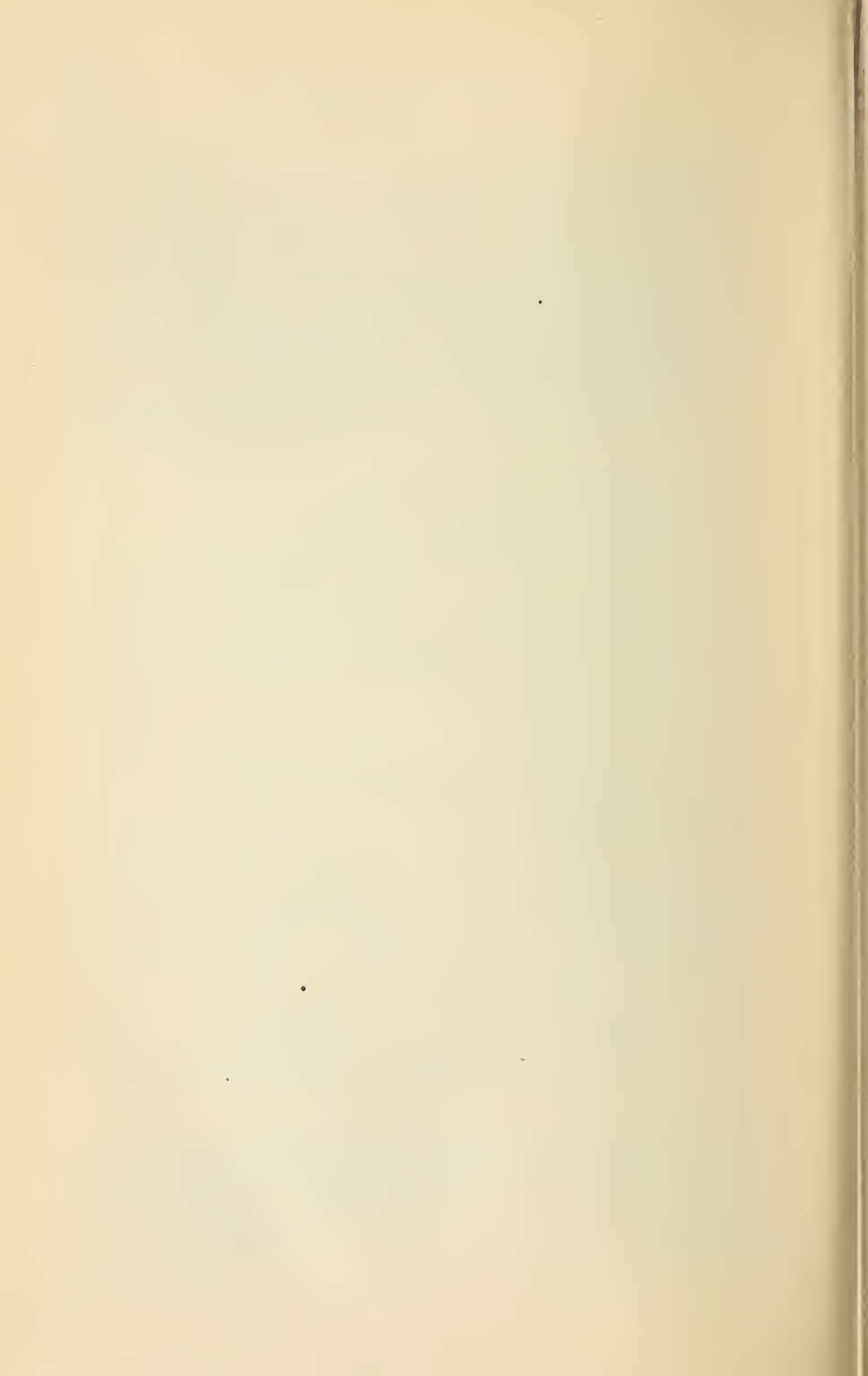
Rec^d of the Hon^{ble} Luke Knoulton Esq^r one hundred & thirty pounds nineteen shillings in hard money orders in full (errors excepted) for Knoultons Grant of Ten thousand acres of Land at thirteen [pounds] Ten shillings p^r thousand. Three hundred acres exempted by Resolve of Council.

S. MATTOCKS Treas^r.

£130 19 0

True Copy.

J^o. FAY Sec^y.



APPENDIX A.

RESOLUTIONS OF CONGRESS HOSTILE TO VERMONT. DEC. 5, 1782, AND RELATED DOCUMENTS.

THE action of Congress on the Vermont question was given in Vol. II, appendix H, to May 21st 1782. At that date a report of a committee was pending which declared that, by the resolutions of Vermont of Feb. 23 1782,¹ "the *conditional* promise and engagement of Congress," contained in the resolutions of that body of Aug. 20 and 21 1781, as to the admission of Vermont to the union, "*is thereby become absolute, and necessary to be performed*;" which report concluded with a resolution recognizing the independence of the State, and raising a committee to treat with the agents and delegates of Vermont as to the terms and mode of her admission.² Consideration of the question was not again resumed in Congress until Nov. 5 1782, when a material change in the temper of that body became manifest, which was due in part to the new friends gained by New York through the acceptance by Congress in October of her cession of western territory, and more, possibly, by Vermont's rigid enforcement of her authority in September against the insurrection of the adherents to New York in Windham county.

Alarmed by the action of Vermont in February, the legislature of New York in April passed two acts, for pardoning certain offences, and quieting the minds of the inhabitants of Vermont.³ April 26, a remonstrance in behalf of the adherents to New York in the towns of Brattleborough, Guilford and Halifax, was prepared by Charles Phelps of Marlborough, which was accepted by the committees of these towns on the 30th, and forwarded to Gov. Clinton by Daniel Shepardson. This paper, styled a "petition" by Gov. Clinton, charged that the principal men of Vermont were engaged in a treasonable correspondence with the British commander and governor in Canada, and also that the Vermonters had made an agreement to raise a force to be employed under British pay for "the destruction of the liege subjects" of the United States; and complained of the taxes which they were compelled by Vermont to pay, and their consequent inconveniences and sufferings. They therefore

¹ See Vol. II, pp. 381, 383. ² Same, pp. 388, 389. ³ Same, pp. 391-394.

asked the New York government to authorize the raising and officering of one regiment or more in the county of Cumberland, to be paid by New York; and also the appointment of such civil officers as were needful, for the "good regulation" and "compleat protection" of the people.¹ To this document Gov. Clinton replied as follows:

*Governor Clinton to the Committee of Cumberland County.*²

POUGHKEEPSIE May 6th 1782.

Gentlemen Your Petition dated the 26th April last was presented to me by Mr. Shepardson your agent in answer to which I would assure you that as soon as the Council of appointment can be convened I shall use my best endeavours that the requisite civil and military officers be appointed for the Towns you represent agreeable to your Request.

In the mean time I transmit you copies of two acts, passed by the Legislature at their last Meeting, from which it will appear that altho' the State is determined not to Relinquish it's Right of Jurisdiction to the Country distinguished by the [name of] New Hampshire Grants unless Congress should agreeable to our Act of Submission judicially determine it not to be comprehended within our Boundaries, yet that we are disposed to every measure for confirming the Inhabitants in their Titles and Possessions as to Right of Soil and healing animosities, which either Justice Expediency or even Generosity can dictate; and I would wish that these Copies might be as diffusively and expeditiously dispersed as possible throughout the whole of the Grants; as I flatter myself that the Inhabitants will be thereby convinced that while we resolve to maintain that authority which is essential to the Peace and Welfare, not only of this State, but of the whole Confederacy, we never had it in contemplation to deprive Individuals of their Property and that under this Conviction every Cause of Jealousy will cease and the Inhabitants will return to their allegiance to this State; and I would particularly recommend in order that they may entitle themselves to the security, with respect to their Title and Possessions, intended by one of the Acts, that Agents or Deputies may be elected in the Towns conformable thereto and I pledge myself that Commissioners will be immediately appointed and every other measure taken on the part of this State for carrying the good intentions of the Legislature into effect.

It may not be improper for me to remind you that Congress by their act of the 24th September 1779 expressly declare it to be the Duty of the People inhabiting on the Grants to abstain from exercising any Power over any Inhabitants who profess to owe allegiance to this State and that this State ought to suspend executing its Law over any of the Inhabitants except such as profess themselves to be its Subjects. This State has during the whole of the Time since the Controversy was submitted to Congress hitherto strictly observed this Recommendation of Congress; and should any Person under pretence of authority from the assumed Government [of Vermont] attempt to enforce their Laws, you will perceive that Resistance by force is in every point of view justifiable and the Faith and Honor of Congress is pledged for your support.

You doubtless are apprised that there is the fullest Evidence of a criminal and dangerous Intercourse between some of the Leaders in the assumed Government and the common Enemy and this I trust will be

¹ B. II. Hall's *Eastern Vermont*, pp. 420, 421.

² From the *Documentary History of New-York*, quarto edition, Vol. 4. p. 607.

an additional Inducement with such who profess to be friends to the Cause of America to interest themselves in prevailing with their fellow citizens to return to their allegiance and by that means disappoint the views of a Combination who from motives of self Interest and ambition would enter into a league with the Enemy and sacrifice the Liberties of their Country.

Should those overtures be rejected and prove ineffectual for the re-establishment of Peace and good Government and should Congress delay or wholly decline to decide on the Question of Boundary, it is evident that the State has no alternative left, but must necessarily have recourse to compulsory means to maintain those Rights and enforce that authority so essential to our future Peace and Security.

I am with great Respect & Regard Gentlemen Your most obed^t serv^t

GEO: CLINTON.

To the Gentlemen of the Convention of Committees from the towns of Brattleborough Guilford & Halifax in Cumberland County.

An act passed by the General Assembly of Vermont, February session 1782, for the purpose of raising three hundred men for the ensuing campaign, required an apportionment of the men to the several towns in the State, south of Barnet, to be raised by the selectmen; and in case any town neglected or refused to raise its quota, its selectmen were "directed to hire such quotas, or any part thereof, as shall be wanting in said town; and to issue their warrant to the sheriff of the county whereto such town belongs, his deputy, or to the constable of such town, to be levied on so much of the goods and chattels, or estate, of said inhabitants (and to be sold at public vendue by said officer,) as shall be necessary to pay such hired men, and satisfy all necessary charges arising therefrom. *Always provided, that no person shall be liable to pay said cost, who voted to raise said men.*"¹ The effect of the proviso was to put the burden upon persons, whether tories or adherents to New York, who were opposed to the raising of the troops; and this act Vermont was prepared to enforce in the town of Guilford when the foregoing letter from Gov. Clinton was received. A meeting of the adherents to New York in Guilford was immediately called, by which the instructions of Gov. Clinton were adopted, and a vote was passed "to stand against the pretended State of Vermont, until the decision of Congress be known, with lives and fortunes." The Vermont officers attempted to execute the above cited act, and the adherents to New York successfully resisted them.² June 5 1782, Charles Phelps, James Clay, Eleazer Patterson, Hilkiah Grout, Simon Stevens, Elijah Prouty, Michael Gilson, Samuel Bixby, Daniel Shephardson, Hezekiah Stowell, Bethuel Church, John Pannel, Nathan Fish, Joseph Winchester, and Daniel Kathan were appointed, by New York, justices of the peace for Cumberland County, and charged, among other things, to take notice of all attempts to set aside the laws and ordinances of that State. At the same time

¹ Slade's *State Papers*, p. 447.

² B. H. Hall's *Eastern Vermont*, pp. 420-426.

officers for a battalion of six military companies in the towns of Brattleborough, Guilford, and Halifax were commissioned, to wit: Timothy Church, Lieutenant Colonel Commandant, William Shattuck first Major, Henry Evans second Major, and Joel Bigelow Adjutant.

June 19 1782, the General Assembly of Vermont passed "An act for the punishment of conspiracies against the peace, liberty, and independence of this State," which was designed to meet the exigency in Guilford and vicinity;¹ and on the same day Isaac Tichenor was appointed to visit the three towns for the purpose of explaining the proceedings of Congress "to the disaffected, in a true light," and using his "utmost exertions to unite the people in those towns" to the government of Vermont;—thus endeavoring, by argument, to prevent the necessity of compulsory measures. Eminent as were Tichenor's powers of persuasion, he failed in this attempt; the disaffected were bent on resistance to Vermont, and again appealed to Gov. Clinton.

June 21 the Vermont Assembly passed another "act empowering the Governor to raise men to assist the Sheriff's."²

June 24th, six companies were authorized by New York, in the three disaffected towns, and the officers of each were named, with Elisha Pierce as Quartermaster. The commissions were forwarded by Charles Phelps, who also bore two letters from Gov. Clinton, one to the convention of committees of the three towns, and the other to Col. Church, the latter being in the spirit of the preceding letter of the 6th of May. Such was Gov. Clinton's response.³

Aug. 14, Gov. Chittenden sent Ira Allen to Guilford and Brattleborough, to watch the motions of the adherents to New York, so to learn when it would be necessary to execute the two acts of the General Assembly before cited. This mission proved to be in the nick of time. On the 29th of the preceding month judgment had been rendered by John Bridgman, a Vermont magistrate, against Col. Timothy Church, the commander of the New York battalion. Execution was issued, and on the 22d of August high sheriff Jonathan Hunt attempted to arrest the colonel thereon, and was prevented by Church and his friends. Sheriff Hunt then applied to the Governor and Council for an armed *posse* to assist him in executing Vermont laws in Windham County. Aug. 29 the Governor was authorized to raise two hundred and fifty men for that purpose; and Sept. 2 Ethan Allen was commissioned as commander of the military force. Sept. 8, 9, and 10, Allen executed his commission thoroughly, and by the 19th the trials of the prisoners had been completed by the Vermont court, by conviction and sentence of most of them—some to banishment and confiscation, and others to pay fines. The list of prisoners embraced those persons who had accepted

¹ *State Papers*, p. 454.

² *Vt Historical Collections*, Vol. II, p. 295.

³ *Eastern Vermont*, pp. 431, 432, 435-438.

the civil and military commissions before noted, those who had resisted Vermont's officers in Guilford in the preceding May; and those who had resisted Sherill Hunt on the 22d of August. Charles Phelps of Marlborough and Adjutant Joel Bigelow of Guilford escaped, and on the 11th of September left the State for the purpose of acquainting Gov. Clinton with the above recited proceedings.¹ Having completed his mission, Mr. Bigelow was sent home with the following letter:

Gov. Clinton to Joel Bigelow, Esq.²

POKEEPSIE 15th September 1782.

Sir From the Conversation between us you are already apprized of the Measures I have taken in Consequence of the Information I received relative to the late outrage committed by the Inhabitants on the Grants who oppose the Government of this State and you may be assured the moment I am informed of the Effects of these Measures may produce I shall communicate them to you.—Until the Result of the present application to Congress I would as heretofore recommended [recommend] to our Friends still to persevere in the Line of Conduct pointed out by the Resolve of Congress in abstaining from all acts of Force and Violence except when their immediate self Defence shall compel them to have Recourse to resistance by Arms. At the same Time should the Government of the pretended State continue to hold the Prisoners in Confinement I would then think it justifiable and advisable that attempts should be made for their Release, and if this cannot be effected then that an equal number of the Insurgents should be taken & brought to this or any other Place of Security in the State [of New York] where they can be detained as Hostages for the security and Indemnity of the subjects of this State whom they have made Prisoners of.

I am Sir your most obed^t Serv^t

GEO: CLINTON.

Mr. Joel Bigelow.

Deposition of Joel Bigelow.³

Duchess County ss.—Joel Bigelow of Guilford in the County of Cumberland in the State of New York, being duly sworn, deposeth that on Monday last a number of armed men under the command and directions of Ethan Allen came from the West side of the Green Mountains into several Towns on the East side of the said Mountains, and in a hostile and violent manner, and fired on and took and carried off prisoners a number of persons Inhabitants of certain towns on the East side of said Mountains, and who professed allegiance and subjection to this State of New York. That the said Party, so commanded by the said Ethan Allen, consisted as it is reported and as the deponent believes, of between two hundred and four hundred men, and took and carried off the said Prisoners in order that the said Prisoners might be proceeded against and punished under an act of the pretended State of Vermont passed in July last and entitled “an Act for the punishment of conspiracies against the Peace, Liberty, and Independence of this State.” That the said Prison-

¹ *Eastern Vermont*, pp. 438–458; *Vt. Hist. Soc. Collections*, Vol. II, pp. 295–297; Hiland Hall's *Early History of Vermont*, pp. 392–397.

² *Doc. Hist. of New York*, Vol. 4, quarto, p. 608.

³ *Ethan Allen Papers*, p. 379.

ers to the number of about twenty, as the Deponent was informed and believes, were conveyed to and confined in the Gaol at Westminster in the said County of Cumberland. That for a day or two previous to the said Irruption, the Deponent was informed and believes, Guards were placed on the several roads leading from the West to the East side of the said Mountains who stopped and detained all Persons going from the West to the East side of the said Mountains to prevent any intelligence being given to the Inhabitants on the east side of the said Mountains of the said Irruption. That the Deponent, together with several others Inhabitants of the said Town of Guilford to number of about forty-six, assembled and determined to defend themselves against the said Party, and with that view fired on a detachment, being on horseback: [it] retired some distance and dismounted and in the night marched to attack the Deponent and the others who were assembled with him, and as the Deponent has been informed and believes, the said Ethan Allen ordered the said detachment when they had so marched that they should give no quarter to any persons who should oppose them; and that the said Ethan Allen, as the Deponent was informed by credible persons who had heard the said Ethan Allen, declared "That he would give no quarter to Man, Woman, or child who should oppose him, that he would lay it as desolate as Sodom and Gomorrah." And the deponent further saith that as far as he knows and believes, the Inhabitants on the New Hampshire Grants who profess allegiance to this State of New York have not, from principle of obedience to the recommendations of Congress, in any instance made use of any force or violence to compel such of the Inhabitants on the said District who profess allegiance to the said pretended State of Vermont to renounce their allegiance or to submit to the Government or Authority of this State of New York, and that the said Inhabitants who so profess allegiance to this State of New York have not by any act of force or violence interrupted or prevented the exercise of any authority under the said pretended State of Vermont over such persons as profess allegiance to the said pretended State. And the deponent further saith that when he came from home on Wednesday he understood and believes that there were still on the east side of the said mountains detachments of the said Party and for the purpose of taking more prisoners or otherwise disturbing the public peace.

JOEL BIGALOW.

Sworn to this 15th day of September, 1782, before me,

MELANCTON SMITH, *Justice of Peace.*

Sept. 16 1782, armed with the foregoing deposition of Bigelow, Gov. Clinton wrote to the New York delegates in Congress, declaring it "undeniably true" that the government of New York and its subjects on the Grants had strictly adhered to the recommendation of Congress "in abstaining from the exercise of any authority over persons professing subjection to the pretended state of Vermont." He detailed the advice which he wrote on the previous day to the adherents to New York in Cumberland [Windham] county: referred pointedly to what he deemed the duty of Congress to be; and concluded in these words:

From the spirit and determination of the inhabitants of several towns on the east side of the mountains who have resolved to experience every inconvenience rather than swerve from their duty and allegiance to the state [of New York] until Congress declares the Grants not to be

comprehended within our boundaries, I am induced to believe this [outrage] will lead to more serious consequences, for which, however, I do not consider either the State or myself responsible.

In a private note he requested the delegates, "without mentioning this intimation," to read his communication publicly in Congress when the deposition should be introduced, concluding thus :

In a letter to you I can use a freedom which in an address immediately to Congress might be conceived rather derogatory to their dignity.
 * * * * * I feel the honor of the State and myself hurt, that my repeated applications to them [Congress] for a decision of the controversy have been not only intellectual but even unnoticed. You are fully sensible of my situation, and of the condition of the State to assert its rights, and I flatter myself you feel for our unfortunate fellow citizens who are thus exposed to outrage and injury. I have, therefore, only to add an earnest request, to use every means for inducing Congress to attend to this very important business. The unfortunate people who are now made prisoners by the insurgents [Vermont,] having in every instance religiously adhered to the recommendation of Congress, conceive they have a just claim to their protection, and consequently look up to them for a speedy and effectual interposition for their relief.¹

Sept. 20, the New York delegates in Congress wrote to Gov. Clinton, expressing their trust that Congress would be induced to interpose immediately ; and promising to exert themselves to the utmost for the relief of the imprisoned adherents to New York, and for the adoption of measures for the further protection of all such who resided in that district of country.²

Sept. 27, Gov. Clinton wrote to Jonathan Hunt, the Vermont sheriff, warning him of "the dangerous consequences" of his action ; and Mr. Hunt shortly afterward resigned and Dr. Elkanah Day was appointed in his place. On the same day Gov. Clinton wrote the following letter.³

Gov. Clinton to the Convention of Cumberland Co.⁴

POKEEPSIE 27th September 1782.

Gentlemen You doubtless have been informed by Mr. Biglow that I immediately [Sept. 16] transmitted an account of the late Outrage committed by Ethan Allen, and others, on the subjects of this State and Cumberland County to our Delegates at Philadelphia to be by them communicated to Congress and requesting the immediate Interposition of Congress for your Protection, and for the preservation of the public Peace. I have this day received an answer from the Delegates which Mr. Biglow has perused and from which it appears that altho there was not sufficient Time when my Messenger left Philadelphia for the Congress to come to any Determination on the Intelligence yet that there was every Reason to believe they will immediately interpose and exert their authority for your Relief and Protection and you may be assured

¹ Abstract of and extract from *George Clinton Papers*, docs. 4761 and 4762, in *Eastern Vermont*, pp. 457, 458.

² *Eastern Vermont*, p. 459.

³ *Same*, p. 260.

⁴ *Doc. Hist. of New York*, Vol. 4, quarto, p. 609.

that the moment I am favored with their Determination it shall be forwarded to you. In the mean Time I will earnestly recommend to you to persevere in the peaceable Line of Conduct which you have hitherto observed and not to have recourse to Violence or Force unless when the immediate Defence of your Person or Property render it necessary, and by no means in order to avert the apprehensions which you experience at present (and which I sincerely regret) to submit to the usurpation or to swerve from your Duty or Allegiance.

I am Gentlemen with great Respect & Esteem your most obed^t serv^t
GEO. CLINTON.

Addressed, To the Gentlemen forming a Convention of the Committees of the Towns of Guilford, Halifax, Brattleborough, &c &c &c Cumberland County.

*Gen. Jacob Bayley to Gov. Clinton.*¹—Extracts.

NEWBURY 30 September 1782.

Dr^r Sr.—Ten Days since I had Intelligence which I depended upon from St^t Johns that the Enemy were moving in force upon Lake Champlain. * * Will not the Enemy try to destroy Albany and Establish Vermont this season as well to support Vermont in Opposition to Congress as to Support and Establish the Extended Government of Quebec by the Quebec Bill. It appears to me that Britton mean to Declair the thirteen states Independant as soon as they can make them small, and is it not our wisdom to see to it that we hold at least to forty five Degrees N: Latitude. I wish I had time and a Capacity to write Matters as I think they stand with Britton Vermont and the United States. Sure I am that Congress are or have been Imposed upon by Vermont and much deceived by them and the world will soon see it. I have said and wrote every thing in my power but in vain. * * * Am Happy that I may Subscribe myself your Excelleney's most Ob^t Humbl^t Serv^t

JACOB BAYLEY.

His Excellency Gov. Clinton.

P. S. This Minute I have Certain Intiligence that the Enemy are determined to destroy Albany this fall, that Vermont will make a great Noise by calling in the Militia &c, but you may depend it will not be to oppose the Enemy but to deceive the popolous [populace] and prevent the Militia from assisting you.

J. BAYLEY.

This was communicated to Congress by Gov. Clinton, with an "Examination" of Jeremiah Snyder, a prisoner returned from Canada, from whom Gen. Bayley received his information.

Gen. John Sullivan to Maj. Gen. Lord Sterling.—Extracts.²

KEEN IN NEW HAMPSHIRE October 4th 1782.

My Lord.—I take the Liberty of informing your Lordship that last Evening arrived in this town one Capt: Snyder who was taken near Esopus about three years since and escaped from his confinement near Montreal on the 10th of last month. He informs that the British Army were encamped at Isle of Noix on their way to Albany, that their num-

¹ *N. H. Grants*, No. 40, Vol. 2, p. 327, in State Department, Washington.

² *N. H. Grants*, No. 40, Vol. 2, p. 333.

ber consisted of four thousand principally Germans; that the Indians under Johnson were to move down Mohawks River and fall on Schenectady at the same time that the Main Army was to attack Albany. He adds that it was currently reported by their officers that the Inhabitants of Vermont were to Join them on their arrival at Crown Point, of which from other accounts there seems some reason to be apprehensive. * * * It is difficult to conjecture what may be their [the enemy's] intentions, possibly the plan for forming a junction of the two Armies on Hudsons River may be again in contemplation—but making a diversion in that quarter to weaken General Washington and then bringing him to Action is still more probable—there is indeed a possibility that their intentions are to establish themselves on this side the Lake, secure and bring over to their interest those inhabitants of Vermont who are ignorant of the Measures of their Leaders, and may possibly attempt to make opposition when the plot is discovered.—Your Lordship I am convinced will use every effort to discover and frustrate their designs, whatever they eventually may appear to be. I have the honor to be with the most perfect Esteem your Lordship's most Obedt & very humble Serv^t

JN^o. SULLIVAN.

Major General Lord Sterling.

The supposed advantage, gained by the sharp discipline of Vermont, was now to be pressed vigorously upon New York by her adherents in Vermont, and by both upon Congress.

Sept. 22, Samuel Bixby of Halifax, a New York magistrate, sent to Gov. Clinton an affidavit of Capt. Thomas Baker and Ensign David Lamb.

The four chief offenders against Vermont, under sentence of banishment, were released from prison on the 4th of October, taken across the line into New Hampshire by deputy-sheriff Samuel Avery, who warned them that they would incur the penalty of death if they ever returned to Vermont. These were Timothy Church, William Shattuck, Henry Evans, and Timothy Phelps, whose estates had been confiscated by the court. The committees of Brattleborough, Guilford, Halifax, and Marlborough met and set forth their version of the affair, which was presented by Shattuck and Evans to Gov. Clinton on the 14th, and immediately sent by him to the New York delegates in Congress, in the belief that they could not fail of making an impression favorable to New York. In the meantime, Charles Phelps had escaped the *posse* and presented the grievances of his party to a committee of Congress on the 8th. On the 10th he presented a petition to Congress, asking for measures to secure the return of his property. On the 15th the committee made a report, stating the occurrences in Cumberland county. The report was accompanied by a substitute, and both resulted in still another report in part by John Rutledge on the 22d, which recommended to the people of the Grants to abstain from all measures tending to disturbance. This was laid aside for further consideration. Oct. 23d, the deposition of William Shattuck was presented to the committee. Shattuck and Evans appeared at Philadelphia, and on the 28th of October presented a petition,

rehearsing the history of the difficulties; averring that fifty persons having families had been driven from their homes and were wandering about in the utmost distress, but who nevertheless refrained from retaliation; and asking for aid and the restoration of their property. Congress gave them no aid, and they with Charles Phelps, were a charge upon the New York delegates.¹ Three of the documents here referred to were the following:

Thomas Baker and David Lamb's Affidavit.²

HALIFAX, Sept. 9th, 1782.

We was taken prisoners here and carried to Guilford under a strong guard and orders was given to march, and the Yorkers fired upon a party; and there was a request made to Col. Ethan Allen that if any of his men were fired at and killed, for to kill as many of the Prisoners. What answer he gave we can't tell, but he gave general orders that if any party discovered themselves and fired upon them, to give no quarters, but kill them if they could. These were the orders that we marched under up to Westminster Gaol, and there [were] confined five days with a strong guard round the Gaol. Four of the prisoners came to trial [and] plead not guilty, viz. Timothy Church Col., William Shattuck First Major, Henry Evine [Evans] Second Major, Timothy Phelps high sheriff. Their sentence was to be in prison till the 4th of October and then to be banished out of the State and their Estates confiscated, and if they ever return back to suffer Death. And then there was five more that came to trial which had large fines; and then we was taken out of Gaol and marched to Marlborough for our trials and was fined; one of us was fined 7*l* 15*s* 6, and the other of us *£*7, which we had to give our obligations for; and we was prisoners 11 days' [in] which we had but four meals of victuals allowed us for the time. And further Ethan Allen said that he could go to Albany and be head monarch if he had but orders in three weeks, and he had a good mind to do it; and further Allen God damned Clinton over and over from time to time. The state's attorney further saith that we was deceived by Congress, we depended upon a decisive resolution from them, because that he talked with three of the members; they told him it was not Vermont's policy to come into union with the thirteen United States, and that they did determine not to have any thing to do with Congress, for they had strength enough to defend their State and policy enough to regulate their laws of the State.

Capt. THOMAS BAKER.

Ensign DAVID LAMB.

The evidence appeared before me and swore to the within written facts.

SAML. BIXBY, *Justice of Peace.*

Halifax, September the 22d, 1782.

¹ *Eastern Vermont*, pp. 460-468. Folwell's edition of the journals of Congress does not give these matters, and the editor has given the dates from B. H. Hall's *Eastern Vermont*, and Hiland Hall's memoranda from Committee-Book No. 186 of the Continental Congress. In two instances the dates differ in the two statements by one day. The dates above are from the Committee-Book.

² *Ethan Allen Papers*, p. 379.

Copy of Majors Shattuck and Evans's Depositions.¹

State of New York. ss.—William Shattuck, of the County of Cumberland, in the State of New York, esquire, being duly sworn saith, that on the 9th day of September last he was taken at his own house in Halifax in the said County by a number of armed men under the command of a certain Walbridge, styling himself a Colonel under the usurped Government of Vermont, and carried to Guilford in said County, where he was delivered up to Ethan Allen, whom it appeared had the General direction of the Party; from whence the deponent, with several other persons who were also taken by the said party, were sent under the care of a strong guard to the common Gaol of the said County of [Cumberland at] Westminster; that the deponent, a Charles, [Church.] Henry Evans, and Timothy Phelps, esquires, were confined in the said Gaol for the space of twenty-five days, to wit from the said 9th day of September until the 4th day of October following. During his confinement a court was convened at Westminster aforesaid under the authority of the said usurped government of Vermont, before which he and the other three persons above mentioned were tried and convicted, they sentenced to be banished out of the said pretended State and their Estates to be seized and sold as forfeited, which sentences have since been carried into execution as to the banishment of their persons and the seizure and sale of their personal properties respectively. And the deponent has heard and believed that his lands and that of the other three persons above mentioned are now advertised and are to be sold in pursuance of the said sentence on the 25th day of this present month. That besides the deponent and the other three persons above mentioned, there were sixteen other persons taken and imprisoned by the said party under the direction of the said Ethan Allen, who were also tried by the said Court and sentenced to fines and other grievous punishments. The Deponent further saith that he and the other persons, so taken as aforesaid, were subjects of the State of New York and owed and professed allegiance to the government of the said State. That according to the best of his knowledge and belief, they had not, nor had either of them, from principles of obedience to the recommendations of Congress, made use of any force or violence to compel such of the Inhabitants on the District called the New Hampshire Grants who profess allegiance to the said usurped government to renounce their allegiance thereto or to submit to the Government or authority of the said State of New York, or by any act of force or violence interrupted or prevented the exercise of any authority under the said pretended State of Vermont over such persons as professed allegiance thereto. And this Deponent farther saith that the only charges exhibited against him and the other three persons above mentioned, who were tried by the said Court and sentenced to be banished as aforesaid, were for holding Commissions under the State of New York and being committee-men, which the said Court termed conspiring and attempting an Insurrection, Invasion and Rebellion against the said pretended State.

And the deponent also farther saith, that while he was a prisoner as aforesaid, Ethan Allen, in conversation with this Deponent, advised and endeavoured to persuade this Deponent to renounce his allegiance to the State of New York and join Vermont, and among other arguments made use of by the said Allen for this purpose, he told him that Congress had no right to pass any resolutions respecting Vermont to prohibit them from exercising authority over any persons within the District

¹ *Ethan Allen Papers*, p. 385.

they claimed jurisdiction over; that they (Congress) never intended to enforce their resolutions on that subject; that the British never intended to wage war against Vermont; [that Vermont] had at first taken up arms against the British, but it was the sin of their Ignorance and that would be winked at; that if they (meaning, as the Deponent understood, those residing on the New Hampshire Grants who profess allegiance to the State of New York, and those who are subject to the said usurped Government of Vermont.) would be united, they might make independent fortunes, while the thirteen united States were quarrelling among themselves and becoming bankrupts; that Congress would be glad if they were to settle a neutrality with the enemy. That while the deponent was confined in Gaol as aforesaid, he was informed and believes that when Allen came out with the party who captured the Deponent and the other persons above mentioned, overtures were made by the Leaders of the usurped Government of Vermont to the British in Canada, to send parties against the frontiers of New York to call off the attention of the State from giving relief to the deponent and the other subjects of the said State who were captured by Allen in Cumberland County aforesaid. And further this Deponent saith not.

WILLIAM SHATTUCK.

Sworn before me this 4th Oct. 1782.

MELANCTON SMITH, *Justice of Peace.*

Henry Evans, Esq^r of the County of Cumberland, being sworn, deposeth and saith, that the whole of the foregoing deposition is the truth to his knowledge, except so much as relates to the conversation the aforesaid Ethan Allen had with William Shattuck, Esq. respecting the adherents [to] the said pretended State of Vermont having an opportunity of making Independent fortunes while the United States were quarrelling and become bankrupts, which he did not hear. And further this deponent saith not.

HENRY EVANS.

Sworn before me 15th Oct. 1782.

MELANCTON SMITH, *Justice of Peace.*

I certify the foregoing to be true copies of the originals filed in Gov. Clinton's office.

ROBT. BENSON, *Secy.*

PROCEEDINGS OF THE GENERAL ASSEMBLY OF VERMONT, OCTOBER 16-24 1782.¹

October 16 1782.

On motion made by M^r Smith, Resolved that tomorrow morning nine o'clock be the time for choosing Agents or Delegates for Congress if it should be judged expedient—and that the Governor and Council be notified and requested to attend accordingly.—Ordered that M^r Bradley and E. Robinson notify the Governor & Council of the aforesaid Resolution.

October 17 1782.

On motion made, Resolved that this House will join the Governor and Council in a Committee of the whole to take under consideration the expediency of choosing Agents and Delegates to attend the Congress of the United States.—The House accordingly joined—and after some time spent therein the Committee of the whole adjourned.

¹ From the *Assembly Journal*.

The adjournments were from time to time until the business had been completed, the record of the Committee of the Whole being as follows:

“MANCHESTER 17th Oct^r. 1782.

“The Governor & Council joined the General Assembly in a Committee of the whole to take into consideration the expediency of chusing persons to attend the Congress of the United States.

“Upon motion of Gen^l Enos, Resolved that it is expedient to choose persons to attend Congress to transact the business of this State, if necessary.

“Voted to choose four agents for the purpose aforesaid immediately—whereupon made choice of the hon^{ble} Moses Robinson, Paul Spooner, Ira Allen, Jonas Fay, Esquires.

“Adjourned until 2 o’Clock afternoon.

“2 o’Clock P. M.

“On motion made by Col^o Lyon, Resolved that a Committee of five be appointed to draw instructions to the Agents to Congress.

“The following persons were chosen, viz.—Mr. A. Curtis, [probably Abel, of Norwich,] Gen^l Safford, Col^o Brownson, Mr. Chipman, [probably Nathaniel,] and Mr. Porter.

“Adjourned until tomorrow morning 10 o’Clock.

“Oct^r. 18th. 1782.

“The Sub-Committee brought in their Report which being read—Resolved that the same be recommitted to the same Committee to draw other instructions.

“Then adjourned until 3 o’Clock P. M.

“Met according to adjournment.

“The Sub-Committee brought in the following Report, viz.—

“*To the hon^{ble} Committee of both Houses—*

“Your Committee appointed to give instructions to Agents to Congress beg leave to Report—

“That the said Agents or any two of them be vested with powers as plenipotentiaries to negotiate the admission of this State into the Federal Union of the United States and to agree upon and ratify terms of Confederation and perpetual union with them in behalf of this State whenever opportunity shall present therefor—and that his Excellency the Gov^r be requested to commissionate them accordingly.

“TIM^o. BROWNSON, Ch^{mn}.

“The aforesaid Committee likewise brought in the following, viz.—

“*Private Instructions to the Hon^{ble} Moses Robinson, Paul Spooner, Ira Allen and Jonas Fay Esq^{rs}. Agents elected to negotiate the admission of the State of Vermont into the Confederation of the United States.*

“Gentlemen—You will any two of you when you shall be directed by the Governor and Council repair to the American Congress and are to consider yourselves as Plenipotentiaries invested with full powers to agree on terms upon which this State shall come into union with the United States of North America—and in case of such agreement, in behalf of this State to sign and ratify articles of federal union with the United States. But you will make it a condition not on any account to be dispensed with, that this State be admitted free from arrears of the Continental Debt already assumed, this State discharging its own debts—and if this should be rejected by those with whom you are to treat, you will endeavour to obtain the conditions on which this State may be admitted and lay the same as soon as may [be] before your Constituents.

“TIM^o. BROWNSON, Ch^{mn}.

"The aforesaid Instructions were read and agreed to by the Committee [of the whole] and ordered to be reported to the Legislature.

"On motion made by Mr. Tichenor, Resolved that Col^o. Allen, Mr. Tichenor, Mr. Chipman and Judge [Moses] Robinson be a Committee to draw a letter to his Excellency the President of Congress acquainting him with the measures taken by this State respecting the late disturbances in Windham County.

"The Committee [of the whole] then dissolved.

"Attest, MICAH TOWNSEND, *Clk.*"

October 21, 1782.

That part of the Report of the Committee of the whole giving Instructions to the Agents to Congress was read twice and approved by the House—And the Yeas and Nays being required by Mr. A. Curtis [probably Abel,] on that part of the Report investing them with Pleni-potentiary power, they stand as follows, viz.—

Yeas—Mr. Ormsby, Mr. Bull, Mr. Fassett, Mr. Lyon, Mr. Strong, Mr. Baldwin, Mr. Amos Curtis, Mr. M. Robinson, [of Rupert,] Mr. Hickcock, Mr. Speaker, [Increase Moseley,] Mr. Drury, Mr. Butterfield, Mr. Lock, Mr. Aiken, Mr. Norton, Mr. Spear, Mr. Strong, Mr. Stebbins, Mr. Mattocks, Mr. Whipple, Mr. Willard, Mr. Edgerton, Mr. Ward, Mr. Watson, Mr. Moulton, Mr. Rowlee, Mr. Murray, Mr. Merriman, Mr. Underwood, Mr. Sabin, Mr. Willson, Mr. Kathan, Mr. Wait, Mr. Simons, Mr. Cottle, Mr. Gilbert, Mr. Lovewell.

Nays—Mr. I. Robinson, [Capt. Ichabod, of Shrewsbury,] Mr. Hunt, Mr. Hamilton, Mr. Smalley, Mr. E. Robinson, [Col. Elijah, of Weathersfield,] Mr. Abel Curtis, Mr. Parkhurst, Mr. Beeman, Mr. Chipman, Mr. Taylor, Mr. Olcott, Mr. Hazen, Mr. Murdock, Mr. Carroll, Mr. Freeman.

Yeas 37—Nays 15,—So it was carried in the affirmative.

The Committee to whom was refered the stating of fees of Agents to Congress, Auditors of acc^{ts}. &c. brought in the following Report, viz.—

"That it is our opinion that the Agents for Congress be allowed ten shillings per day exclusive of expences—and that the Auditors of accounts, Committee of Pay-Table, and Revisers of the Laws be allowed twelve shillings p^r. day they bearing their own expences.

"SAM^L. FLETCHER, *for Comtee.*"

The aforesaid Report was read and accepted.

October 24 1782.

The Committee to whom was refered the consideration of the disturbances in the County of Windham brought in the following Report—whereupon

Resolved that the present Sheriff of the County of Windham be and is hereby directed to make sale of the estates in said County lately confiscated to the use of this State agreeable to an execution from the hon^{ble} Superiour Court directed to the late Sheriff—that he accept for pay Due-Bills, Pay-Table Orders, or hard money. That the said Sheriff be and is hereby further directed to proceed as soon as may be to the sale of so much of the estates of those persons that were indicted by the grand Jurors of said County to pay the expence of the *Posse Comitatus*—that the Sheriff take the advice of the principle [principal] men of the County and endeavour to levy such expence in proportion to the crimes and abilities of such delinquents and that he receive and pay out due-Bills, Pay-Table orders or hard money.—[See Vol. II, pp. 161-163, and books there referred to.]

Resolved that the Governor and Council be and are hereby requested to issue a Commission to Ira Allen Esq^r. Surveyor General for the pur-

pose of making a complete survey and chart of the State under such directions as the Legislature or the Governor and Council in their recess shall from time to time direct.

PROCEEDINGS IN CONGRESS RELATING TO VERMONT, NOV. 5 TO
DEC. 5 1782.

TUESDAY, November 5, 1782.¹

On the report of a committee, consisting of Mr. Montgomery, Mr. Bland, Mr. Carroll, Mr. Dyer and Mr. Witherspoon, to whom were referred a letter of the 16th of September last, from governor Clinton, a deposition of Joel Bigelow, and a memorial of Charles Phelps, with sundry papers therein enclosed and referred to:²

Congress took into consideration the report of the committee, consisting of Mr. Clymer, Mr. Carroll, Mr. Clark, Mr. Livermore and Mr. Law, as entered on the journal of the 17th of April last: and the resolution proposed by this committee being read and debated.³

A motion was made by Mr. Howell [of R. I.] seconded by Mr. Dyer [of Conn.] to postpone the consideration of the resolution proposed by the committee, in order to consider the following proposition:

"That the preliminary required of the people, inhabiting the territory called Vermont, by a resolve of the 20th of August, 1781, as indispensably necessary to the recognition of their independence, has been complied with on their part."

A division was called for, and on the question to postpone the consideration of the resolution proposed by the committee, and the yeas and nays being required by Mr. Duane.

New Hampshire,	Mr. Gilman,	ay	Delaware,	Mr. McKean,	ay
	Mr. White,	ay		Mr. Wharton,	ay
Massachusetts,	Mr. Osgood,	ay	Maryland,	Mr. Carroll,	ay
Rhode-Island,	Mr. Arnold,	ay		Mr. Hemsley,	no
	Mr. Howell,	ay	Virginia,	Mr. Madison,	no
Connecticut,	Mr. Huntington,	ay		Mr. Bland,	ay
	Mr. Dyer,	ay	North Carolina,	Mr. Nash,	ay
New-York,	Mr. Duane,	no		Mr. Blount,	ay
	Mr. L'Houmeau,	no	South Carolina,	Mr. Rutledge,	ay
New-Jersey,	Mr. Boudinot,	no		Mr. Izard,	ay
Pennsylvania,	Mr. Smith,	ay		Mr. Gervais,	ay
	Mr. Wynkoop,	ay			

So it was resolved in the affirmative.⁴

¹ From *Journals of Congress*, Folwell's edition, Vol. VIII. pp. 6-24.

² Both B. H. and Hiland Hall agree in stating that Phelps waited upon Congress against Gov. Clinton's wishes; and H. Hall describes the memorial above referred to as "setting forth in his peculiar, involved and inflated language, the grievances of himself and political friends." For these reasons the editor has not attempted to procure a copy of the memorial.—See *Eastern Vermont*, p. 460; and *Early History*, p. 411.

³ For report and resolution, See Vol. II. pp. 388, 389.

⁴ This vote shows seven States in the affirmative, one in the negative, two divided, and two not counted. Georgia not represented. In view of the fact that the severe treatment of the adherents to New York by Vermont was known to Congress, this vote indicates that a majority in that body was at that time disposed to quiet disorder and disagreements

Thursday, November 14, 1782.

The committee, consisting of Mr. Rutledge, Mr. Osgood and Mr. How-ell, to whom was referred part of the report of a committee on governor Clinton's letter of the 16th of September, and petitions of Charles Phelps, William Shattuck and Henry Evans; report,

That the measures complained of in the papers above-mentioned were probably occasioned by the state of New-York having lately issued commissions, both civil and military, to persons resident in the district called Vermont; and therefore the committee submit the following resolves:

1st. That it be recommended to the state of New-York to revoke all commissions, either civil or military, which have been issued by the said state since the month of May last, to persons residing in the district called Vermont, as described in the resolves of the 7th and 20th of August, 1781.

2d. That it be recommended to the persons exercising the powers of government within the said district, to make full and ample satisfaction to Charles Phelps, William Shattuck and Henry Evans, and to all others in a similar predicament, for the damages which they have sustained in person and property, in consequence of the measures taken against them in the said district, and to suffer them to return to their habitations, and to remain unmolested in the district aforesaid.

3d. That it be recommended to the state of New-York, and to the persons exercising the powers of government within the district aforesaid, to adhere to the recommendations of Congress contained in their resolve of September 24, 1779,² until a decision shall be had by Congress on the subject referred to them by the said state of New-York and the said district of Vermont.

On the question to agree to the first resolution, the yeas and nays being required by Mr. Duane, Rhode Island voted aye; New York, Delaware, Maryland, North Carolina and South Carolina, no; New Hampshire was divided; and Massachusetts [aye,] and New Jersey [no,] not counted. So the question was lost.

in Vermont by recognizing it as a State. It is obvious, however, that the votes of the nine States required for such a recognition could not then be had. On the day the above vote was taken, Mr. Madison wrote as follows, on the effect upon Vermont of the acceptance by Congress, Oct. 29 1782, of New York's cession of western lands to the United States:

Besides the effect which may be expected from the coalition [of sundry States] with New York, on territorial questions in Congress, it will, I surmise, prove very unfriendly to the pretensions of Vermont. Duane [of New York,] seems not unapprized of the advantage which New York has gained, and is already taking measures for a speedy vote on that question. Upon the whole, New York has, by a fortunate coincidence of circumstances, or by skillful management, or by both, succeeded in a very important object; by ceding a claim, which was tenable neither by force nor by right, she has acquired with Congress the merit of liberality, rendered the title to her reservation more respectable, and at least damped the ardor with which Vermont has been abetted.¹

¹ *Madison Papers*, Vol. I, p. 470.

² See Vol. II, pp. 183-185.

A motion was then made by Mr. Duane, seconded by Mr. L'Homme-dieu, that the second resolve be committed, which was also lost—ayes 5, no 1, [Rhode Island;] divided 1; not counted 3 states.

A motion was then made by Mr. M'Kean, seconded by Mr. Duane, that the remainder of the report be postponed, which was also lost—ayes 6, no 1, [Rhode Island;] divided 3 states. The votes of seven states were required to make a majority.¹

MONDAY, November 25, 1782.

Mr. Alexander Hamilton, a delegate for the state of New York, attended, and produced a commission under the great seal of the state, dated at Poughkeepsie, the 25th of October, 1782, which was read.²

TUESDAY, December 3, 1782.

Report mentioned November 14, in regard to Vermont, called up by Mr. McKean [of Delaware] and postponed on his motion, to make way for a set of resolutions declaring that, as Vermont in contempt of the authority of congress and their recommendations of 1779, exercised jurisdiction over sundry persons professing allegiance to the state of New York, banishing them and stripping them of their possessions, the former be required to make restitution, &c.; and that, in case of refusal or neglect, Congress will enforce the same. This proceeding seems to have been on the application of Phelps and others, exiles from Vermont. Mr. Clark of New Jersey and Mr. Howell of Rhode Island were opposed to force. Mr. Carroll [Daniel Carroll of Maryland.] on this occasion informed Congress he had changed his opinion in regard to Vermont, under the belief that "the governing party in Vermont were perfidiously devoted to British interests"—referred to Gen. Whipple of N. H. as

¹ Mr. Madison thus noted the day's debate :

The report, which ascribed the evils prevalent in that district to a late act of New York which violated the recommendation of Congress of 1779, was generally admitted to be unjust and unfair, as Vermont had uniformly disregarded the recommendation. Mr. Howell [of Rhode Island] was the only member who openly supported it. The New York delegates denied there had been any violation on their part. The temper of Congress on this occasion, as the yeas and nays show, was less favorable to Vermont than on any preceding one—the effect probably of the territorial cession of New York to the United States.—*Madison Papers* Vol. I, p. 198.

² A letter was read from the lieutenant-governor of Rhode Island, containing evidence that some of the leaders in Vermont, and particularly Luke Nulton [Knoulton,] who had been deputed in 1780 to Congress as an agent for that party opposed to its independence, but who had since changed sides, had been intriguing with the enemy in New York. The letter was committed.—*Madison Papers*, Vol. I, p. 206.

Debate, Nov. 27, on report of committee on Knoulton's case. The question of sending a military force to Vermont attended to, and a counter proposition was to notify the authorities of Vermont, &c. In the course of the debate, Mr. Clark informed Congress that the delegates of New Jersey could not vote for any act which might oppose force to the authority of Vermont, the legislature of that state having so construed the resolutions of 7th and 20th of August as to be incompatible therewith, and accordingly instructed their delegates.—*Madison Papers*, Vol I, pp. 209-212.

confirming that view. The proceedings on this subject evinced still more the conciliatory effect of the territorial cession of New York on several states, and the effect of the scheme of an ultra-montane state within Pennsylvania, on that state. The only states in Congress which stood by Vermont, were Rhode Island, which is supposed to be interested in lands in Vermont, and New Jersey, whose delegates were under instructions.—*Madison Papers*, Vol. 1, pp. 214, 215.¹

THURSDAY December 5, 1782.²

Congress resumed the consideration of the report of the committee, on the report of a committee on governor Clinton's letter of the 16th of September, &c. as entered on the journal of the 14th of November last; and the same being postponed,

¹ The instructions of the Legislature of New Jersey were as follows:

To the Hon^l Elias Boudinott, John Witherspoon, Abraham Clark, Jonathan Elmer and Silas Condit, Esquires, delegates representing this state in the Congress of the United States.

Gentlemen: Application having been made to the legislature for instructions on the important subject of disputes subsisting between the states of New York, New Hampshire and the people on the New Hampshire Grants, styling themselves the state of Vermont, which is under consideration of congress, they are of opinion (as far as they have documents to direct their inquiry) that as the competency of congress was deemed full and complete at the passing of the resolutions of the 7th and 20th of August, 1781, (each of those states having made an absolute reference of the dispute to their final arbitrament), those acts may be supposed to be founded on strict justice and propriety, nine states having agreed to the measure, and that great regard might be had to any determination of congress, when no new light is thrown upon the subject, or weighty matters occur to justify a reversion of such their decision, and more especially, as it appears that the people on the New Hampshire Grants, have, by an act of their legislature, on the 22d of February last, in every instance complied with the preliminaries stated as conditional to such guarantee.

The legislature taking up the matter upon general principles are further of opinion, that congress considered as the sovereign guardians of the United States, ought at all times to prefer the general safety of the common cause to the particular separate interest of any individual state, and when circumstances may render such a measure expedient, it ought certainly to be adopted.

The legislature know of no disposition in congress to attempt to reduce the said people to allegiance by force, but should that be the case, they will not consent to the sending any military force into the said territory to subdue the inhabitants to the obedience and subjection of the state or states that claims their allegiance.

They disclaim every idea of imbruing their hands in the blood of their fellow citizens, or entering into a civil war among themselves at all times, but more especially at so critical a period as the present, conceiving such a step to be highly impolitic and dangerous.

You are therefore instructed to govern yourselves in the discussion of this business by the aforesaid opinions, as far as they may apply thereto.—H. Hall's *Early History of Vermont*, p. 504.

² *Journals of Congress*, Folwell's edition, Vol. VIII, pp. 21-24.

A motion was made by Mr. McKean, seconded by Mr. Hamilton, in the words following:

Whereas it appears to Congress, by authentic documents, that the people inhabiting the district of country on the west side of Connecticut river, commonly called the New-Hampshire Grants, and claiming to be an independent state, in contempt of the authority of Congress, and in direct violation of their resolutions of the 24th of September, 1779, and of the 2d of June, 1780, did, in the month of September last, proceed to exercise jurisdiction over the persons and properties of sundry inhabitants of the said district, professing themselves to be subjects of, and to owe allegiance to the state of New York, by means whereof divers of them have been condemned to banishment, not to return on pain of death and confiscation of estate, and others have been fined in large sums and otherwise deprived of property: therefore,

Resolved, That the said acts and proceedings of the said people, being highly derogatory to the authority of the United States, and dangerous to the confederacy, require the immediate and decided interposition of Congress, for the protection and relief of such as have suffered by them, and for preserving peace in the said district, until a decision shall be had of the controversy, relative to the jurisdiction of the same:

That the people inhabiting the said district, claiming to be independent, be, and they are hereby required, without delay, to make full and ample restitution to Timothy Church, Timothy [Charles] Phelps, Henry Evans, William Shattuck, and such others as have been condemned to banishment and confiscation of estate, or have otherwise been deprived of property since the first day of September last, for the damages they have sustained by the acts and proceedings aforesaid; and that they be not molested in their persons or properties, on their return to their habitations in the said district:

That the United States will take effectual measures to enforce a compliance with the aforesaid resolutions, in case the same shall be disobeyed by the people of the said district:

That no persons holding commissions under the state of New York, or under the people of the said district claiming to be independent, exercise any authority over the persons and properties of any inhabitants of said district, contrary to the forementioned resolutions of the 24th of September, 1779, and the 2d of June, 1780.

That a copy of the foregoing resolutions be transmitted to Thomas Chittenden, Esq., of Bennington, in the district aforesaid, to be communicated to the people thereof.

A motion was made by Mr. Howell [of R. I.,] seconded by Mr. Clark [of N. J.,] to strike out the following clause: "That the United States will take effectual measures to enforce a compliance with the aforesaid resolutions, in case the same shall be disobeyed by the people of the said district."

A motion was made by Mr. Madison, seconded by Mr. McKean, that the question for striking out the clause be postponed, until a question is taken on a motion for amending a previous part of the motion, by striking out the words "and dangerous to the confederacy, require the immediate and decided interposition of Congress," and in lieu thereof, inserting "interposed in pursuance of the act passed on the——day of—— [November 1779] by the state of New Hampshire, and the act passed on the [21st] day of [October 1779] by the state of New York, two of the states claiming the same, and for the purpose of preserving the peace and interests of the confederacy require immediate and effectual measures:"

And on the question for postponing, the yeas and nays being required by Mr. Howell, New York, Pennsylvania, Delaware, Virginia, North Carolina, and South Carolina voted aye; New Hampshire and Rhode Island voted no; New Jersey was divided, and Massachusetts [one vote aye] not counted. Six states not being a majority, the motion was lost.

On the question, shall the clause moved to be struck out stand, the yeas and nays being required by Mr. Howell, New Hampshire, New York, Pennsylvania, Delaware, Virginia, North Carolina, and South Carolina voted aye; Rhode Island and New Jersey voted no; and Massachusetts [one vote aye] was not counted. So it was resolved in the affirmative by the vote of seven states.

The motion for amending the former part of the original motion, as above stated in the extract from the journal of Congress, was then made by Mr. Madison, seconded by Mr. M'Kean, and on the question to agree to the amendment, the yeas and nays being required by Mr. Howell, New York, Pennsylvania, Delaware, Virginia, North Carolina, and South Carolina voted aye; Rhode Island voted no, New Hampshire and New Jersey were divided; and Massachusetts [one vote no.] and Maryland [one vote aye,] were not counted. Six States not being a majority, the amendment was lost.

On the question to agree to the original motion, the yeas and nays being required by Mr. Howell, New Hampshire, New York, Pennsylvania, Delaware, Virginia, North Carolina and South Carolina voted aye; Rhode Island and New Jersey no; Massachusetts and Maryland each one vote aye, which were not counted. The resolutions were therefore adopted by the votes of seven states.

The resolutions were adopted by the votes of New Hampshire and New York notwithstanding the third resolution of Congress of Sept. 24 1779, which provided that "neither of the states" interested in the Vermont question "shall vote on any question relative to the decision thereof."¹ Strictly considered, this vote did not involve a final decision of the question of the independence of Vermont; but it was for the time being a *denial* of that independence. Moreover the fact is to be noted that, as Gov. Chittenden truly observed in the remonstrance of the Governor and Council, Jan. 9 1783, the action of Congress on this occasion was *ex parte*. Vermont having had no hearing on the case, either in committees or in Congress. Mr. Tichenor, the only representative of Vermont named in this connection, did not reach Philadelphia until several days had elapsed after the vote of Congress had been taken.

Dec. 10. Mr. Ramsay [of South Carolina] moved that the Secretary of War, who was about to visit his family in Massachusetts, should take Vermont in his way and deliver the resolutions of the 5th to Mr. Chittenden—rejected. Mr. Gilman [John Taylor Gilman of New Hampshire] moved that a day be assigned for determining finally the affair of Vermont. The opposition made to the motion by Rhode Island, and

¹ See Vol. II, p. 184, section marked 11.

the disagreement as to the day among the friends of the motion, prevented a decision, and it was suffered to lie over.

Dec. 11. Mr. Wilson [of Pennsylvania] made a motion, referring the transmission of the resolutions concerning Vermont, to the Secretary of War in such words as left him an option of being the bearer without the avowed sanction of Congress. The votes of Virginia and New York negatived it. The president [Elias Boudinot of New Jersey] informed Congress that he should send the resolutions to the commander-in-chief to be forwarded.

Dec. 17, Vermont was again on the tapis in Congress. Its only advocates were Rhode Island and New Jersey—the first interested, said Mr. Madison, and the last bound by instructions. Mr. Tichenor had arrived, probably on account of the turn in Congress unfavorable to Vermont.

A letter was received, Jan. 15, 1783, from General Washington, enclosing a certificate from Mr. Chittenden of Vermont, acknowledging the receipt of the communication which Gen. Washington had sent to him of the proceedings of Congress of the 5th December 1782.¹

New York Delegates in Congress to Gov. Clinton.—Extract.²

Dec. 9 1782, William Floyd and Alexander Hamilton transmitted a copy of the resolutions of Congress of Dec. 5, with an accompanying letter; in which they thus wrote as to the resolutions:

You will judge [by the resolutions] of the present temper of that body respecting the affairs of the Grants. We cannot however absolutely rely upon the execution of the coercive part of them, if the matter should require an exertion of force. Many who at a distance adopt very decisive ideas might shrink from a measure replete with consequences at least delicate if not dangerous. The principal advantage we promise ourselves from these resolutions is that they will give a complexion to our future deliberations on the subject and may induce Congress the more readily to adopt some moderate medicine. It therefore becomes the policy of the state to facilitate as much as lies in its power this object by doing every thing (if any thing remains undone) that may tend to conciliate the inhabitants of the Grants and to take away all motives of opposition from the private interests of individuals in the other states. It is to be recollected in particular that a considerable part of the army is interested in grants of land to a large extent under the usurped government of Vermont. Much will depend upon their disposition in the progress of the business, and it is therefore of primary importance that they should be secured at all events. We apprehend there should be a confirmation of titles unfettered by any conditions whatsoever. If any are annexed by the acts of last winter [April] relative to the subject, (which we do not find among our papers,) we take the liberty to suggest that they will be worthy of the future consideration of the legislature. We enlarge the less on these topics as we are persuaded the wisdom of the legislature will distinguish and pursue the true line of policy upon this occasion and will clearly perceive the propriety of moderation.

WM. FLOYD,
ALEX. HAMILTON.

¹ *Madison Papers*, Vol. I. pp. 228–263.

² *N. Y. Legislative Papers*, concerning Vermont, No. 2457.

Gov. Clinton to Alexander Hamilton, Dec. 29 1782.—Extract.¹

Considering the disposition heretofore discovered by Congress, on the subject of our controversy with the grants, their resolutions [of the 5th,] which you inclosed to me, though short of what we are justly entitled to, exceed my expectations; and I am not without hope, if properly improved, may be the mean of leading to a just and favorable issue. The idea of many of the military being interested in the independency of Vermont, in consequence of their having taken grants of land under them, I believe is without foundation. There was a period when the disposition of Congress, formed on political expediency, appeared so favorable to the independence of that district, as to have induced some gentlemen of the army to apply to the usurped government for grants. But when it was discovered that they were intriguing with the common enemy the more respectable characters withdrew their applications, and relinquished all kind of connection with them; and even those who did not go so far, I imagine conceive themselves perfectly secure under our late acts. If, however, this should not be the case, any difficulty which may be apprehended from it may be easily obviated; as I am persuaded the Legislature are disposed to every liberal act that may consist with the honor of the State, and tend to facilitate a settlement of the dispute. There was a time, not long since, when Congress had only to have spoken decisively on the subject, and they would have been obeyed: nor do I believe the time is yet past, if they could be convinced that Congress were in earnest. But if force is necessary to carry their decision into execution, the longer it is delayed the more force it will require. The misfortune is, though I believe there are but few States that favor their independence, some members of those who do, take great pains to encourage the revolvers in their opposition, by secret assurances that Congress will not direct any coercive measures against them: and I am not without my fears that this conduct will, in some measure, defeat the present resolutions.

Renewed Insurrection in Windham County attempted.

The resolutions of Congress of the 5th December were communicated, by a letter of Gov. Clinton dated the 23d, to the committees of the four towns in Windham county most opposed to Vermont. He advised his civil and military officers in Vermont to restrict themselves in the exercise of their official authority to persons owning allegiance to New York; and also that Church, Phelps, Evans, and Shattuck should make up accounts of their losses and present them to Gov. Chittenden. Trusting that the mass of the people of the county would return to the jurisdiction of New York, he assured protection to their property under the acts of April 1781, or new acts if necessary, and exhorted them to be watchful of the conduct of those who are disaffected to the liberties of America.²

Evans, Church, and Shattuck had returned, the latter reaching home on the 15th of December, to find Vermont proceeding against a neighbor, Daniel Shepardson. Shattuck and friends agreed on the 17th to protect Shepardson, but on the 18th learned that Vermont had re-arrested

¹ *Works of Hamilton*, Vol. I, p. 324.

² *Eastern Vermont*, pp. 472-474.

Col. Church, who was then subject to the death penalty of the conspiracy act. Shattuck then changed his plan, raised two companies, and attempted to arrest and hold Col. Benjamin Carpenter, former lieutenant governor of Vermont, as a hostage for Church. Failing in that, he did seize, on the 20th, John Bridgman, one of the Vermont judges of the county court. On the 21st, Bridgman was released on parole, to visit Governor Chittenden and endeavor to procure the release of Col. Church. These movements stirred up Col. John Sergeant of the Vermont militia to bring out a force to suppress the new insurrection, but nothing came of it but a truce until Feb. 1 1783, on condition either that Bridgman should report himself as prisoner to the New York force or Col. Church be released by the 2d of January. Gov. Chittenden would not release Church, and Bridgman returned, when his parole was extended during the pleasure of Gov. Clinton.

On being informed by Stephen R. Bradley of the arrest of Col. Church, Gov. Chittenden indicated his firm purpose to maintain the authority of Vermont against all opposition by the following reply:

Dec. 24 1782.—I received your letter with the prisoner, and approve of your conduct. Have sent to Col. Robinson to call the superior court immediately for his trial, and I hope and trust justice will be done him. I have sent twelve pounds powder agreeable to your request. As to sending or ordering a standing force to Guilford, I had rather hang them [the Yorkers] one by one, until they are all extirpated from the face of the earth. However, I wait for the return of the officers that commanded the *posse* (which will soon be) to send orders to the sheriff to collect the fines and cost, when, if they continue obstinate, a force must accompany the sheriff sufficient to silence them. I am not without hopes that the consequences of Church's trial will have some good effect on his connections.

Dec. 28, Col. Church petitioned the Vermont government for pardon and forgiveness, and re-admittance to freedom and privileges. Jan. 17 1783, the Guilford committee wrote that Church would be hanged; and Feb. 6 Gov. Clinton himself informed a New York delegate in Congress that Vermont had not complied and would not comply with the late resolutions of that body; and that they [the Vermonters] asserted that, notwithstanding the threat of Congress, no coercive measures would be pursued against them. Still he had assurances from the Guilford committee that the majority of the people on the east side of the mountain would renounce Vermont if Congress would protect them. On the 19th of January Major Evans [then at home unmolested] wrote: "I am credibly informed that the Vermont authority over the mountain holds Congress and all their resolves in scorn and contempt. The Vermonters on this [east] side the mountain say they will adhere to Congress though they should renounce Vermont."¹ Gov. Chittenden

¹*Eastern Vermont*, pp. 417-481; *Vt. Hist. Soc. Collections*, Vol. II, pp. 313-315.

certainly was as firm against the threatened hostility of Congress as he had been against the insurrectionists in Windham county. So far Evans was right.

HOSTILITY OF CONGRESS CHECKED BY THE REMONSTRANCE OF VERMONT AND THE INTERPOSITION OF GEN. WASHINGTON.

STATE OF VERMONT. IN COUNCIL, Jan. 10th 1783.

On motion ordered that Col. Ira Allen & Thomas Tolman, Esq^r, prepare and complete the draught of a Remonstrance or Letter to the President of the Hon^l Congress, and lay the same before His Excellency the Governor for his approbation and signature.¹

COPY of a REMONSTRANCE of the COUNCIL of the STATE OF VERMONT, Against the Resolutions of Congress of the 5th of December last, which interfere with their internal Police.—HARTFORD: Printed by HUDSON & GOODWIN. M.DCC.LXXXIII.

A Remonstrance, &c.

BENNINGTON, January 9, 1783.

To his Excellency the President of Congress:

SIR,—

YOUR Excellency's letter of the 11th ult. inclosing an Act of Congress of the 5th of December last, I have duly received, and have this day laid the same before the Council of this State, who agree in the opinion, that the interference of Congress to controul the internal police and government of this State, is a matter too serious and extensive in its nature to be determined, without consulting the Legislative Authority of the State, whose adjourned Session is to be attended on the second Thursday in February next, at which time, I shall lay the same before them, and, as soon as may be, communicate to your Excellency their determination on the premises. And in the mean time beg leave to lay before Congress the following remonstrance against their said Act, which is founded *partly* on a mutual agreement between Congress on the one part, and the State of Vermont on the other, that the latter should have been taken into the federal union of the United States, previous to the date of the passing of the said Act; and *partly* on the impropriety of the claim of Congress to interfere in the internal government of this State. And,

1st. Congress is reminded of their solemn engagements to this State, in their public acts of the 7th and 21st of August, 1781, which were officially transmitted to the Legislature of this State, and are in the words following:

By the UNITED STATES in Congress assembled, August 7, 1781.

Congress took into consideration the Report of the Committee, to whom was recommended their report on a letter of the 20th June, from the President of New-Hampshire, together with a motion relative to the subject, and thereupon came to the following resolutions.

Whereas the States of New-Hampshire and New-York have submitted to Congress the decision of the disputes between them, and the people inhabiting the New-Hampshire Grants, on the west side of Connecticut river, called *the State of Vermont*, con-

¹ This remonstrance, thus ordered on the 10th, probably had been previously prepared, as it was dated as of the 9th January, 1783.

cerning their respective claims of jurisdiction over the said territory, and have been heard thereon; and whereas the people aforesaid claim, and exercise the powers of a sovereign independent State, and have requested to be admitted into the federal union of the United States of America; in order thereto, and that they may have an opportunity to be heard in vindication of their said claim.

Resolved, That a Committee of five be appointed to confer with such person or persons, as may be appointed by the people residing on the New-Hampshire Grants on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent State; and on what terms it may be proper to admit them into the federal union of these States, in case the United States in Congress assembled shall determine to recognize their independence, and thereof make report.

And it is hereby recommended to the people of the territory aforesaid, or their representative body, to appoint an Agent, or Agents to repair immediately to Philadelphia with full powers and instructions to confer with the said Committee, on the matters aforesaid, and on behalf of the said people to agree upon, and ratify terms and articles of union and confederation with the United States of America, in case they shall be admitted into the union. And the said Committee are hereby instructed to give notice to the Agents of the States of New-Hampshire and New-York, to be present at the conference aforesaid.

Resolved, That in case Congress shall recognize the independence of the said people of Vermont, they will consider all the lands belonging to New-Hampshire and New-York respectively, without the limits of Vermont aforesaid, as coming within the mutual guarantee of territory contained in the articles of confederation; and that the United States will accordingly guarantee such lands, and the jurisdiction over the same, against any claims or encroachments from the inhabitants of Vermont aforesaid.

Extract from the minutes,

(Signed)

CHARLES THOMSON, Sec'ry.

By the UNITED STATES in Congress assembled, August 21, 1781.

It being the fixed purpose of Congress to adhere to the guarantee to the States of New-Hampshire and New-York, contained in the resolutions of the 7th instant,

Resolved, That it be an indispensable preliminary, in order to the recognition of the independence of the people inhabiting the territory called the State of Vermont, and their admission into the federal union, that they explicitly relinquish all demands of lands, and jurisdiction on the east side of the west banks of Connecticut river, and on the west side of a line beginning at the north-west corner of the State of Massachusetts, thence by a line twenty miles east of Hudson's river, so far as said river runs northerly in its general course, thence by the west bounds of the townships granted by the late government of New-Hampshire to the river running from South-Bay to Lake-Champlain, thence along the said river to Lake-Champlain, thence along the waters of Lake-Champlain to the latitude of 45 degrees north, excepting a neck of land between Missiskay-Bay and the waters of Lake-Champlain.

Extract from the minutes,

(Signed)

CHARLES THOMSON, Sec'ry.

Confiding in *the faith and honor of Congress* in the foregoing resolutions, and, in consequence of advice received in a letter from His Excellency General Washington dated the 1st of January, 1782. which was publicly read and on which *great* confidence was placed, in which he says, "It is not my business, neither do I think it necessary, now to discuss the origin of the right of a number of inhabitants of that tract of country, formerly distinguished by the name of the New-Hampshire Grants, and now known by that of Vermont. I will take it for granted, that their right was good, because Congress by their resolve of the 7th of August implies it, and by that of the 21st are willing fully to confirm it, provided the new State is confined to certain described bounds. It appears therefore to me, that the dispute of boundary is the only one that exists, and that, that being removed, all further difficulties would be removed also, and the matter terminated to the satisfaction of all parties." His Excellency the General further observes; "You have nothing to do, but withdraw your jurisdiction, to the confines of your old limits, and obtain an acknowledgment of independence and sovereignty, under the resolve of the 21st of August, for so much territory as does not interfere with the ancient established bounds of New York, New-Hampshire, and Massachusetts. I persuade myself, you will see and acquiesce in the reason, the justice, and indeed necessity of such a decision."

The Legislature of this State were induced to comply with the *indispensable preliminary* required by them, in the last recited act of Congress, as appears by the following, which is an extract of their proceedings.

STATE OF VERMONT, IN GENERAL ASSEMBLY, Feb. 22, 1782.

The recommendation of the grand Committee, consisting of His Excellency the Governor, the honorable the Council, and the Representatives of the people, on taking into consideration the resolutions of Congress respecting this State, in the month of August last, being read, is as follows: "That in the sense of this Committee, Congress, by their resolutions of August last, in guaranteeing to the States of New-York and New-Hampshire respectively, all the territory without certain limits therein expressed, has eventually determined the boundaries of this State. And whereas it appears to this committee, consistent with the spirit, true intent, and meaning of the articles of union entered into by this State, with the inhabitants of a certain district of country, on the east side of the west banks of Connecticut river, and on the west side of a line twenty miles east of Hudson's river, which articles of union were executed on the 25th day of February and the 15th day of June last, that Congress should consider and determine the boundary lines of this State:—It is recommended to the Legislature of this State, to pass resolutions, declaring their acquiescence in, and accession to the determination made by Congress of the boundary lines between the States of New Hampshire and New-York respectively, and this State, as they are in said resolutions defined and described. And also, expressly relinquishing all claims to, and jurisdiction over, the said districts of territory without said boundary lines, and the inhabitants thereon residing, confiding in the faith and wisdom of Congress, that they will immediately enter on measures to carry into effect the other matters in the said resolutions contained, and settle the same on equitable terms, whereby this State may be received into and have and enjoy all the protection, rights and advantages of a federal union with the United States of America, as a free, independent and sovereign State, as is held forth to us in and by said resolutions.

"And that the Legislature cause official information of their resolutions to be immediately transmitted to the Congress of the United States, and to the States of New-Hampshire and New-York respectively.

"Whereupon resolved, That the foregoing recommendation be complied with, and that the west banks of Connecticut river, and a line beginning at the northwest corner of the State of Massachusetts, from thence northward twenty miles east of Hudson's River, as specified in the resolutions of Congress in August last, be considered as the east and west boundaries of this State. That this Assembly do hereby relinquish all claims and demands to and right of jurisdiction in and over any and every district of territory without said boundary lines. That authentic copies of this resolution be forthwith officially transmitted to Congress, and the States of New-Hampshire and New-York respectively."

"FEBRUARY 28, 1782.

"The Honorable Moses Robinson and Paul Spooner Esqrs. Isaac Tichenor Esq; and the Honorable Jonas Fay Esq; were elected Agents, and Delegates to represent this State in the Congress of the United States.

"Resolved, That his Excellency the Governor be and he is hereby requested to commissionate the aforementioned Agents with plenary powers to negotiate the admission of this State into the confederation of the United States three of whom are hereby authorised to transact said business. And this State being admitted into the confederation with the United States, any one or two of said Agents are hereby empowered to take their seats, and represent this State in Congress."

The said Agents having been commissioned, agreeable to the above resolutions, a clause of which is in the following words:

"To negotiate and compleat on the part of this State, the admission thereof into a federal union with the United States of North-America. And in behalf of this State to subscribe articles of perpetual union and confederation therewith"—

they repaired to Philadelphia on the business of their said agency, and on the 31st March 1782, officially laid before Congress the aforesaid compliance of the Legislature of this State, with the propositions contained in the forementioned resolutions of Congress of the 7th and 21st of August 1781. And the whole matter having been referred, by Congress, to a Committee of their own members, viz.

"Mr. Clymer, Mr. Carrol, Mr. Clark, Mr. Livermore and Mr. Law"—

the said Committee, on the 17th of April 1782, reported their opinion to Congress in the following words:

That, in the sense of your Committee, the people of the said district by the last recited act, (*to wit*, the act of the Legislature of this State of the 22d of February before recited) have fully complied with the stipulation made and required of them, in the resolutions (of Congress) of the 20th and 21st of August, as preliminaries to a recognition of their sovereignty and independence, and admission into the federal union of the States. And that the *conditional* promise, and engagement of Congress, of such recognition, and admission, is thereby become *absolute* and *necessary* to be performed, Your Committee therefore submit the following resolution:

That the district of territory called Vermont, as defined and limited in the resolutions of Congress of the 20th and 21st of August 1781, be and it is hereby recognized, and acknowledged by the name of the *State of Vermont*, as free, sovereign, and independent; and that a Committee be appointed to treat and confer with the Agents and Delegates from said State, upon the terms and mode of the admission of the said State into the federal union.

It appears by an attested extract from the minutes of Congress, that, after the foregoing report was read,

"A motion was made and seconded, that the first Tuesday in October" (then) "next be assigned for the consideration of the report. And on the question being put, it passed in the negative.

"A motion was then made and seconded, that the third Tuesday in June" (then) "next be assigned for the consideration of the report. On the question to agree to this motion, it was lost.

"A motion was then made and seconded, that Monday" (then) "next be assigned for the consideration of the report. On the question to agree to this, it passed in the negative."

By the last mentioned motions, and the manner in which Congress left the matter, the Agents and Delegates in behalf of this State, officially delivered to his Excellency, then President of Congress, a letter, of which the following is a copy.—[For this letter, see Vol. II, p. 390.]

In consequence of this procrastination of Congress, the Agents of Vermont returned, and reported the aforesaid proceedings to the Legislature of this State. And in October last, the said Legislature again appointed Agents, with full powers and instructions, for the purpose of meeting Congress upon terms and articles of an admission of this State into the federal union, not conceiving that Congress would have departed from their agreement before recited; but supposing their hitherto declining to execute it, might have been owing to a stretch of policy incomprehensible to this government.

This being the confident disposition of the inhabitants of this State towards Congress, and a recognition of their independence and sovereignty and admission into the federal union being thus secured by the promise and engagement of the United States, they could not, in this situation, be otherwise than alarmed on receiving an act of Congress in the following words:—[Resolutions of Dec. 5 1782. See *ante*, p. 249.]

From the before recited resolutions of Congress, the journals of the Legislature of this State and the after transactions between the United States in Congress assembled and the Agents or Delegates from this State, the following inferences are deduced, to wit; the last mentioned resolutions of Congress of the 5th of December 1782, are altogether predicated on other resolutions of theirs, of the 24th of September 1779, and 2d of June 1780,—which prescribed to this State in part a desisting from the exercise of civil government, in which intermediate space of time between the passing of the said resolutions of the 24th of September 1779 and 2d of June 1780, and those of the 5th of December 1782, a confederation or federal Union between the United States represented in Congress, and the Legislature of this State had been mutually agreed upon between them; which agreement absolutely nullified the force and validity of those resolutions of Congress of the 24th of September 1779 and 2d of June 1780, on the supposition that they were originally binding on this government (which is by no means admitted.) And inas-

much as the said last resolutions of Congress on the 5th day of December 1782 are essentially founded on those antecedent resolutions of theirs of 1779 and 1780, which were disannulled by the same authority that resolved them, in consequence of a subsequent mutual agreement of a federal union between the United States and this State as aforesaid, and necessarily invalidates the last resolutions of Congress of the 5th of December 1782, for they cannot be of any more validity than those other resolutions of 1779 and 1780, on which they were predicated; for the before recited preliminary agreement, proposed on the part of Congress, of a federal union of the United States with this, and in the fullest and most explicit manner acceded to, on the part of this State, is something or nothing. If it amounts to anything, it supercedes and invalidates all antecedent and subsequent resolutions of Congress respecting this State, and renders them nugatory, and is still binding on the part of Congress; but if such solemn agreements are nothing, all faith, trust or confidence in the transactions of public bodies is at an end. So certain as the plighted faith of Congress in their said stipulated agreement with this State was originally binding on them, the obligation still remains the same, which of necessary consequence invalidates all other resolutions of Congress respecting this State until it is ratified by an admittance of this State into the confederation of the United States on their part. I have argued thus far on Congress's own principles and proceed next to the second part of the argument predicated on the impropriety of the pretensions of Congress to controul the internal police of this State. Congress will not (it is presumed) pretend to unlimited power, or to any other than what has been delegated to them from the United States; nor will they pretend that their articles of confederation will warrant them in interfering with, or controuling the internal police of the United States; whence then did they obtain a rightful prerogative over the internal police of this State, from which they have never received any delegated power? This State (on revolution principles) has as good a right to independence as Congress, and has an equal right, or rather no right to pass resolutions prescribing measures to Congress, as Congress has to prescribe to this State, to receive their banished, and make restitution to them and other criminals of the property, which by a legal process has been taken from them for their enormities heretofore committed against the laws and authority of this State. Formerly it has been argued by Congress, and that justly, "that if Great Britain had a right to tax the" (then) "American Colonists as they pleased, without representation, the Colonists could not call any part of their cash their own, since it might be taxed from them without their consent." The same argument will apply against the right of Congress to controul the civil authority of this State, for if they may in one instance do it, they may in another, and so on till they suppress the whole. But should they endeavour to frustrate the independence of this State, which has as good a right to it as themselves, it would be a manifest departure from their original design of liberty. Congress opposed the arbitrary assumed prerogative of the British government to make laws to bind the (then) colonists, or to controul their internal police, and have brought about a revolution, in which the people of this State have signalized themselves.

How inconsistent then is it in Congress to assume the same arbitrary stretch of prerogative over Vermont, for which they waged war against Great Britain? Is the liberty and natural rights of mankind a mere bubble, and the sport of State politicians? What avails it to America to establish one arbitrary power on the ruins of another? Congress set up as patriots for liberty, they did well, but pray extend the liberty, for which they are contending, to others. The inhabitants of the territory

of Vermont have lived in a State of independence from their first settlement, to this day: Their first mode of government and management of their internal police was very similar to that of the United States in their first separation from the British government. They were governed by Committees of Safety and Conventions, which last was their highest judicature for the security of their just rights against the oppressions of the (then) province of New-York, (the principal officers of the *Green Mountain Boys* being then judges in the said territory) and which on the 15th day of January 1777 declared themselves to be a free and independent State, and have, from their first settlement of the country maintained their independence, and protected their lives and properties against all invaders, and date their freedom from the royal adjudication of the boundary line between New-York and New-Hampshire the 20th July 1764, and are now in the eighteenth year of their independence, and cannot submit to be resolved out of it by the undue influence, which the State of New-York (their old adversary) has in Congress; this is too much, heaven forbid it! the feelings of the citizens of Vermont, over which I have the honor to preside (I am persuaded) will never give in to it; they are free, and in possession of it, and will remain independent of New-York, notwithstanding their artifice or power. This State have no controversy with the United States, complexly considered, and is at all times ready and able to vindicate their just rights and liberties against any usurpations of the State of New-York.

To return to the transactions of Congress, particularly their resolves of the 5th of December, 1782:

"Resolved, That the said acts and proceedings of the said people," *which was that of their courts of justice punishing delinquents, in due form of law*, "Being highly derogatory to the authority of the United States, and dangerous to the confederacy, require the immediate and decided interposition of Congress for the protection and relief of such as have suffered by them, and for preserving peace in the said district, until a decision shall be had of the controversy relative to the jurisdiction of the same."

That the exercise of civil law in this State is derogatory to the authority of the United States, considered as such, or that it should be thought dangerous to the confederacy, is paradoxical; or that the interposition of Congress in this matter would be a means of restoring peace in this State, is equally so. Law, peace, and order was established in this district previous to the late resolves of Congress; what discord they may occasion, time must determine. It is a general opinion that a ratification of the said stipulated agreement would have had a more salutary tendency to peace, than the late resolutions. And as to the decision of the jurisdiction of the territory of this State, Congress, in their resolutions of the 7th and 21st of August 1781, did determine the limits, which they would guarantee to the States of New-Hampshire and New-York by virtue of the articles of confederation of the United States, which is as follows;

"By the United States in Congress assembled, August 21, 1781. It being the fixed purpose of Congress to adhere to the guarantee of [to] the States of New-Hampshire and New-York, contained in their resolutions of the 7th instant," to wit, that "they will consider all the lands belonging to New-Hampshire and New-York, respectively, without the limits of Vermont aforesaid, as coming within the mutual guarantee of territory contained in the articles of confederation, and that the United States will accordingly guarantee such lands, and the jurisdiction over the same, against any claims or encroachments from the inhabitants of Vermont aforesaid."

Thus far the resolutions of the 7th of August referred to in the resolutions of the 21st the latter of which proceeds to point out the particular boundaries of the guarantee to the States aforesaid, to wit:

To the State of New-Hampshire all the lands "on the east side of the banks of Connecticut river;" and to the State of New-York all the lands "on the west side of a line beginning at the northwest corner of the State of Massachusetts, thence by

a line twenty miles east of Hudson's river, so far as said river runs northerly in its general course, thence by the west bounds of the townships granted by the late government of New-Hampshire to the river running from South Bay to Lake Champlain, thence along the said river to Lake Champlain, thence along the waters of Lake Champlain to latitude 45 north, excepting a neck of Land between Missisco-Bay and the waters of Lake Champlain."

That Congress has explicitly pointed out, and determined the boundaries of the guarantee of the lands and jurisdiction of the States of New-Hampshire and New-York, as far as their respective claims interfere with this State, was the opinion of the Committee of the whole Legislature of this State, may be seen from their Journals viz.

"Resolved, That in the sense of this Committee, Congress, by their resolutions of August last, in guaranteeing to the States of New-York and New-Hampshire respectively all the territory without certain limits therein expressed, have eventually determined the boundaries of this State."

To this limitation of Vermont its Legislature concurred, as the before quoted Journals may evince. The boundaries of the States of New-York and New-Hampshire, as far as they interfere with the State of Vermont, having been already thus adjudicated by Congress, what propriety is there then in the resolutions of the 5th of December, 1782, in which they break over their own adjudicated bounds of August, 1781, requiring this State

"Without delay to make full and ample restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck and such others as have been condemned to banishment and confiscation of estate, or have otherwise been deprived of property, since the first day of September last, and that they be not molested in their persons or properties, on their return to their habitations in the said district."

Congress has been so mutable in their resolutions respecting Vermont, that it is impossible to know on what ground to find them, or what they design next: At one time they guarantee to the States of New-York and New-Hampshire their lands and jurisdiction to certain described limits, leaving a place for the existence of this State. And the next that this government hears from them, they are within those limits, controuling the internal government of this State. Again they prescribe preliminaries of confederation, and when complied with on the part of this State, they unreasonably procrastinate the ratification thereof.

"That the United States will take effectual measures to enforce a compliance with the aforesaid resolution, in case the same shall be disobeyed by the people of the said district."

In this case it is probable, that this State would appeal to the justice of his Excellency General Washington, and in as much as his Excellency, the General, and most of the inhabitants of the contiguous States are in favour of the independence of this State, as limited by Congress, as aforesaid; I beg leave to suggest to them, whether it is not more prudent to refer the settlement of this dispute to the States of New-York and Vermont than to embroil the confederacy of the United States therewith.

Although this State is not amenable to the tribunal of Congress for the management of their internal police, I nevertheless will give them a brief narrative of facts relative to those delinquents, in whose behalf Congress in their resolutions of December last have interposed. At the session of the General Assembly of this State, in February 1781, they made a general act of amnesty, in favour of such persons within this State, who had previously made opposition to its authority, upon which they unanimously submitted to this government, and all opposition to it ceased for more than one year, when the Legislature having ordered a certain quota of men to be raised in the several towns throughout this State for the defense of its frontiers, evil minded persons in the

town and vicinage of Guildford, in the southerly part of the county of Windham, opposed the raising and paying of them, and Governor Clinton of the State of New-York, by letters to them and otherwise, interfered in their behalf, which caused a second insurrection in this State; and though every prudent and lenient measure was taken by government to reclaim the offenders, they proved ineffectual; in the mean time Governor Clinton gave commissions, civil and military, to sundry of those disaffected persons, and they had the effrontery to attempt to exercise the laws of the State of New-York over the citizens of this State, when a military force was, by the direction of this government, sent to assist the Sheriff of Windham county in the execution of the laws of this State, and the procedure of the Court, relative to the five Criminals, who were banished, and to sundry others, who were amerced in pecuniary fines, was in due form of law. The notorious Samuel Ely, who was ring-leader of the late seditions in the State of Massachusetts, a fugitive from Justice, was one of the banished; he had left that State, and was beginning insurrections in this, when he was detected, and carefully delivered to the Sheriff of the county of Hampshire, in the State of Massachusetts, who, as I have been since informed, has secured him in gaol at Boston, to the great satisfaction and peace of that State. This same Samuel Ely, Timothy Church, and William Shattuck, who were three of the banished, had previously taken the oath of allegiance to this State, and so had a greater part of those who were fined; and every of the towns, in which they resided, had for several sessions of Assembly, previous to their insurrection, been represented in the Legislature of this State. So that admitting the resolutions of Congress of the 24th of September 1779, and 2d of June 1780, to be binding on the States of New-York and Vermont, which prescribed to them to exercise their respective jurisdictions over such of the inhabitants of the controverted territory, who should profess to owe allegiance to one or both of them, and not to interfere with each other's jurisdiction; and as every of those inhabitants, previous to the late insurrection, had conformed to the government of this State, the jurisdiction of the State of New-York became extinct: And Congress having, in their said resolves, given their premised right of jurisdiction to the States of New-York and Vermont; and that of New-York having been ended as aforesaid, the whole right of jurisdiction reverted to the State of Vermont, so that Congress, by their said resolutions of 1779 and 1780, fairly put the aforesaid banished persons and others under the jurisdiction of this State, and are foreclosed from interfering with the jurisdiction of the same, and consequently could have no jurisdiction of those matters, which in their resolutions of the 5th of December 1782 they object to the civil authority of this State, and in which they so spiritedly interpose their prerogative, for that the said delinquents were, every of them, in just construction of law or reason, subjects of this State, and, therefore, agreeable to the express tenor of those resolutions of Congress of 1779 and 1780, could not be amenable to any other laws or regulations but those of the State of Vermont.

But admitting that Congress has a judicial authority to controul the internal police of this State, it has an incontestible right to be heard in its defence, as a party, (in law,) and should, on this thesis, have been cited by Congress to a hearing at their tribunal, previous to their having passed their resolutions of the 5th of December last, that this State might have had the privilege of vindicating their cause. But that Congress, at the special instance of Charles Phelps, (a notorious cheat and nuisance to mankind, as far as his acquaintance and dealings have been

extended) should come to a decision of so important a matter, *ex parte*, is illegal, and contrary to the law of nature and nations.

Sir, I beg leave to conclude this Remonstrance by earnestly soliciting a federal union with the united States, agreeable to the before recited preliminary agreement, which the Committee of Congress have reported, has "become *absolute* and *necessary* on their part to be performed," and from which this State will not recede. I have the honor, to be, Sir, with due respect, your Excellency's obedient and humble servant,

THO'S. CHITTENDEN.

His Excellency the President of Congress.

Reception of Vermont's Remonstrance in Congress.

February 4 1783.

An indecent and tart remonstrance was received from Vermont against the interposition of Congress in favor of the persons who had been banished, and whose effects had been confiscated. A motion was made by Mr. Hamilton [of New York] seconded by Mr. Dyer [of Connecticut,] to commit it. Mr. Wolcott [of Connecticut,] who had always patronized the case of Vermont, wished to know the views of a commitment. Mr. Hamilton said his view was, *to fulfill the resolutions of Congress, which bound them to enforce the measure.* Mr. Dyer said his was, *that so dishonorable a menace [as that of Congress to Vermont] might be as quickly as possible renounced.* He said Gen. Washington was in favor of Vermont, that the principal people of New England were all supporters of them, and that Congress ought to rectify the error into which they had been led, without longer exposing themselves to reproach on this subject. It was committed without dissent.¹

Gen. Washington to the President of Congress.²

NEWBURGH, Feb. 7, 1783.

Sir: Within these few days I have seen printed copies of "A Remonstrance of the Council of the State of Vermont against the resolutions of Congress of the 5th of December last," addressed to your excellency, in which are several quotations from a letter of mine. Duty as well as inclination prompts me to lay before Congress the whole of that letter, and the one to which it was an answer. If it should be necessary, a committee of Congress, with whom I was in conference on these matters in the course of last winter, can give such further information on this subject as I doubt not will be satisfactory.

I have the honor to be, with great respect, your excellency's most obed't serv't,

GEO. WASHINGTON.

His Excellency, the President of Congress.

[Enclosures—Letter of Chittenden to Washington. Nov. 14 1781: and of Washington to Chittenden, Jan. 1, 1782.—See Vol. II, pp. 350-355.]

Gen. Washington to Joseph Jones, in Congress.³

NEWBURGH, 11 February, 1783.

Dear Sir:—I am about to write you a letter on a subject equally important and delicate, which may be extensive in its consequences and

¹ *Madison Papers*, Vol. I, p. 319.

² *Washington's Letters*, State Department, Washington.

³ *Life and Writings*, Vol. VIII, p. 382.

serious in its nature. I shall confine myself to the recital of what I believe to be facts, and leave it with you to make deductions.

The printed remonstrance of Mr. Chittenden and his council, addressed to the President of Congress and founded upon the resolves of the 5th of December last, contains a favorable recital in their own behalf of what I suppose to be facts; but, if my memory serves me, it is an uncandid performance, inasmuch as it keeps out of view an important transaction of theirs which was consequent on those resolves.¹ Be this as it may, matters seem to be approaching too fast to a disagreeable issue for the quiet of my mind. The resolves on one hand and the remonstrance on the other, unless it should be annulled by the legislature at their next meeting, which I do not expect, seem to leave little room for an amicable decision.

Affairs being thus situated, permit me to ask how far and by what means coercion is to be extended. The army, I presume, will be the answer to the latter. Circumstances, (for there can be no determination after blood is once drawn) alone can prescribe bounds to the former. It has been said, but of this you can judge better than I, that the delegates of the New England States in Congress, or a majority of them, are willing to admit these people into the Federal Union as an independent and sovereign State. Be this as it may, two things I am sure of, namely, that they have a powerful interest in those States, and pursued very politic measures to strengthen and increase it long before I had any knowledge of the matter, and before the tendency of it was seen into or suspected, by granting upon very advantageous terms large tracts of land; in which, I am sorry to find, the army in some degree have participated.

Let me next ask, by whom is this district of country principally settled? And of whom is your present army (I do not confine the question to this part of it but will extend it to the whole) comprised? The answers are evident,—New England men. It has been the opinion of some that the appearance of force would awe these people into submission. If the General Assembly ratify and confirm what Mr. Chittenden and his council have done, I shall be of a very different sentiment; and, moreover, that it is not a trifling force that will subdue them, even supposing they derive no aid from the enemy in Canada; and that it would be a very arduous task indeed, if they should, to say nothing of a diversion, which may and doubtless would be made in their favor from New York, [by Carleton,] if the war with Great Britain should continue.

The country is very mountainous, full of defiles, and extremely strong. The inhabitants, for the most part, are a hardy race, composed of that kind of people who are best calculated for soldiers; in truth, who *are* soldiers; for many, many hundreds of them are deserters from this army, who, having acquired property there, would be desperate in the defense of it, well knowing that they were fighting with halters about their necks.²

¹ The editor can find nothing in the action of Vermont "consequent on those resolves" which warranted this remark. Washington may have had in mind some one of the many extravagant reports spread at about that time by the adherents to New York in Windham county.

² Undoubtedly true: as Vermont was not a member of the confederacy, it furnished a desirable refuge for deserters who did not wish to go to Canada. It is to be remembered, however, that the Vermont authorities aided in the arrest of deserters whenever requested. The General As-

It may be asked if I am acquainted with the sentiments of the army on the subject of this dispute. I readily answer, No, not intimately. It is a matter of too delicate a nature to agitate for the purpose of information. But I have heard many officers of rank and discernment, and have learned by indirect inquiries that others, express the utmost horror at the idea of shedding blood in this dispute, comparing it, in its consequences, though not in its principles, to the quarrel with Great Britain, who thought she was only to hold up the rod and all would be hushed. I cannot at this time undertake to say that there would be any difficulty with the army if it were to be ordered on this service, but I should be exceedingly unhappy to see the experiment. For besides the reasons before suggested, I believe there would be a great and general unwillingness to embroil their hands in the blood of their brethren. I have to add, that almost at the same instant a number of the printed copies of the remonstrance were disseminated through the army. What effect it will have I know not. The design is obvious.

I promised in the beginning of this letter, that I should content myself with a simple relation of facts. I shall only lament that Congress did not in the commencement of this dispute act decidedly. This matter, as you well know, was much agitated last winter, and a committee of Congress, with whom I had the honor to be in conference, and of which I believe you were one, approved of my writing an answer to the effect it was given.

With great regard, I am, &c.

GEO. WASHINGTON.

Joseph Jones, in Congress, to General Washington.—[Extract.]¹

Feb. 27. With respect to the business of Vermont, I think you need not be uneasy from apprehensions that the army, or any part of them, will be employed to force a compliance with the act of the 5th of December last, should the people of Vermont refuse a compliance with that demand; at least for some time to come, if ever. To go into detail upon this matter would be prolix, and rather improper for the scope of a letter. It cannot be denied that the act of Congress of the 20th August [1781] opened the prospect to Vermont of an acknowledgment of their independence and admission into the Union. Although it gave ground of hope, it was not conclusive: and the Legislature of Vermont, absolutely rejecting the offer, and recommending to the people an inviolable adherence to their union and encroachments on the adjoining States, as well as other unwarrantable acts they have unjustly concealed from the public in their remonstrance, released Congress from their offer, and left them at liberty afterwards to accept or refuse, as they saw fit, when Vermont, repenting of her conduct, at a future period complied.

A particular state of things produced the act of Congress; a change of circumstances afterwards dictated the delay in determining on their proposition, and the report of a committee, to whom it was referred. This report authorises observations I decline to make. This proceeding in Congress they style a violation of the compact entered into with them. There always has been a strong opposition to the claims of Vermont, and their admission into the Union. Virginia has generally been among

sembly in June 1781 passed "an act for detecting and discouraging desertion," for which see Slade's *State Papers*, p. 437. In Feb. 1782, a case occurred, for which see Vol. II, p. 142.

¹ *Correspondence of the Revolution*, Vol. III, p. 557.

the number of her opponents. not so much, perhaps, upon the question of independence, as the impolicy of her admission into the Union while several very important questions of local concern remained undetermined; and, until these great points are settled, the consent of Virginia, I expect, will be withheld, and, if before obtained, it will be a sacrifice of her opinion to the peace and common weal of the United States.

If Vermont confines herself to the limits assigned to her, and ceases to encroach upon and disturb the quiet of the adjoining states, at the same time avoiding combinations, or arts, hostile to the United States, she may be at rest within her limits, and, by patient waiting the convenient time, may ere long be admitted to the privileges of Union. The influence Vermont has gained in the army, and in some of the states that espouse her cause, do little credit to the parties concerned; and to this influence is in a great measure to be ascribed the variable, indecisive conduct of Congress respecting the claims of that people. The remonstrance states the receipt of *official* letters recommending a compliance with the act of Congress, and intimates yours to be of the number; and that these communications influenced them to comply.¹ The assertion is wrong as to yours, and may be equally false as to the others, and is one proof, among a variety of others, of the disingenuity and want of candor in Vermont. It exhibits, also, very little respect to that body, when they ascribe their compliance to other motives than the recommendation of Congress.²

¹ Williams and Ira Allen both testify that Washington's letter did have very great influence with the legislature, *unofficial* though the letter was.

² Indirect evidence is not needed to prove that the government and people of Vermont had very little respect at that time, or ever afterward, for the continental congress. That body had trifled too long with Vermont, and hardly had the right to complain of any body for the want of candor or decision.

APPENDIX B.

RENEWED APPLICATION OF VERMONT FOR ADMISSION TO THE UNION, AND DOCUMENTS THEREON, FEB. TO OCT. 1783.

PROCEEDINGS IN VERMONT, FEBRUARY SESSION, 1783, ON THE RESOLUTIONS OF CONGRESS OF DEC. 5 1782.

IN JOINT ASSEMBLY: Feb. 13. His Excellency laid before the House the following papers, viz: the proceedings of Congress from the 5th of November to the 5th of December 1782 respecting Vermont, among which were the resolutions of the 5th of December. The said proceedings were attested by George Bond, Dep. Sec^y. A letter from the hon^{ble} Jonathan Arnold, Esq^r. [delegate in Congress from Rhode Island.] dated Philadelphia, Dec^r 25th 1782, directed to "his Excellency Gov^r Chittenden;" also one other letter from the same Gentleman, directed as aforesaid and dated at the same place the 26th Dec^r 1782. A letter directed to his Excellency the Gov^r signed by Isaac Tichenor, dated at Bennington 2^d Feb^r 1783, enclosing instructions from the legislature of New Jersey to their delegates [in Congress,] dated Nov^r 1st 1782—and also attested copies of affidavits or depositions of Joel Bigelow, William Shattuck, Henry Evans, Oliver Lovewell, William Houghton, Thomas Baker and David Lamb, which were sent to Congress—were read, and also a Remonstrance signed by his Excellency Thomas Chittenden Esq^r directed to his Excellency the President of Congress, dated Bennington Jan^y 9th 1783—was read.

On motion made by Mr. Enos and seconded by Mr. Lyon, Resolved, that a Committee of five be appointed to take under consideration the Resolutions of Congress of the 5th December last, and prepare a Bill to lay before the House for the determination of this Assembly on said Resolutions, and make report.—The members chosen Mr. Chipman, Mr. E. Robinson, Mr. Enos, Mr. Strong and Mr. Sabin.

IN COUNCIL: Feb. 17. A Letter of the 13th Instant from major Joseph Fay, was read, and a verbal relation at the same time made by Isaac Tichenor, Esq^r relative to the transactions of Congress respecting the State of Vermont, on passing their act of the 5th of December last.¹

The threatening character of the resolutions of Congress of Dec. 5 1782, induced the government of Vermont at once to reinstate its mili-

¹ *Assembly Journal*, 1778-1784, pp. 452, 453.

tary force, which had been disbanded substantially at the preceding session. The resolutions of Congress were submitted to the Assembly on Saturday Feb. 15 1783, and on Monday the 17th the committee appointed to report the necessary business of the session recommended the following subjects of legislation, among others.

From the *Assembly Journal*:

Feb. 17 1783.—^{2dly.}—The appointment of a Board of War and giving them powers and directions in what manner the men shall be raised, either by enlistment or otherwise, and what their wages shall be in case they find it necessary to raise men.

^{6thly.}—Passing an act for the preventing people from carrying on a trade with the British or Canadians on Lake Champlain.

^{9thly.}—The taking in consideration the measures necessary to be taken with regard to the disaffected inhabitants of Guilford and its vicinity.

Resolved that this House do judge it necessary that a number of men be raised for the defence of the frontiers the ensuing campaign.

Resolved that a Committee of seven to join a Committee from the Council be appointed to determine what Number of men will be necessary to be raised for the ensuing Campaign—and how the same shall be raised and paid &c. and make Report.—The members chosen Mr. Wait, Mr. E. Robinson, Mr. Lawrence, Mr. Enos, Mr. Lovewell, Mr. Tichenor & Mr. Murdock.¹

On motion made by Mr. Abel Curtis, Resolved that a Committee of five to join a Committee from the Council be appointed to draught a declaration purporting our attachment to the rights of the United States in their exertions against the common Enemy—and make Report.—The members chosen Mr. Abel Curtis, Mr. Elijah Robinson, Mr. Chipman and Mr. Lyon.²

Feb. 18 1783.—The House took under consideration the appointment of a Board of War—and on motion made, Resolved that this House will at this time proceed to choose seven persons for a Board of War.

The ballots being taken, Gen^l Roger Enos, Col^o John Strong, Gen^l Sam^l Safford, Col^o Elijah Robinson, Col^o Timothy Brownson, Col^o Benjamin Wait, Col^o Moses Robinson were Elected.

Resolved that a Committee of three [be appointed] to join a Committee from the Council to take under consideration the 9th Article in the arrangement [of business for the session] and make Report.—The members chosen Mr. Mattucks [Mattocks,] Mr. Eb. Curtis, Mr. Benjamin, Mr. Drury & Mr. Loomis.³

A deposition of Oliver Lovewell [Lovell] Esq^r. sworn the 18th Febr. 1783 before Simon Stevens Justice [of the] peace—declaring that he never had made any deposition before Charles Phelps &c.—was read.

Resolved that a Committee of three to join a Committee from the Council be appointed to take under consideration the 6th Article of the

¹ Messrs. Olcott and Fletcher were joined on the part of the Governor and Council.

² The name of one member of the committee seems to have been omitted on the journal. Messrs. Bowker and Allen were joined on the part of the Governor and Council.

³ Messrs. Safford and Olcott were joined on the part of the Governor and Council. The ninth article related to the resistance to the authority of Vermont in Guilford and vicinity.

arrangement, [for preventing trade with the British and Canadians through Lake Champlain.] and prepare a Bill and make Report.—The members chosen Mr. Lyon, Mr. Abel Curtis and Mr. Rowlee.¹

Feb. 19.—A petition signed Timothy Church was read and referred to a Committee of five to join a Committee from the Council to take the same under consideration, and report their opinion respecting the same to this House.—The members chosen Mr. Benjamin. Mr. Aiken, Mr. Ormsby, Mr. Parkhurst and Mr. Murray.²

Feb. 20.—The Committee to whom was referred the 9th Article in the arrangement, [on the trouble in Guilford, &c.,] brought in their Report in the words following, viz.—“That in the opinion of your Committee the Laws of this State already passed are sufficient, and that the executive authority put the same in execution as they shall think proper.”

SAM^L. SAFFORD, for Comtee.³

The aforesaid Report was read and approved.³

Feb. 22.—The Committee to whom was referred the determining what number of men ought to be raised for the defence of the frontiers of this State &c. and how they shall be raised and paid, brought in the following Report, viz.—

“That in the opinion of your Committee there ought to be raised for the ensuing Campaign five hundred men exclusive of Commissioned officers, and that the same be properly officered and raised and paid in the same way and manner as the troops was ordered to be raised and paid the last Campaign. And that the time of raising said men, and the

¹ Mr. Bowker was joined on the part of the Governor and Council.

² Col. TIMOTHY CHURCH, of Brattleborough, was quite prominent among the adherents to New York in Cumberland County. He was among the forty-four arrested by Ethan Allen and his *posse* in 1779, and was then tried, convicted, and fined in the sum of £25.—See Vol. I, pp. 298-300 and 305, and B. H. Hall's *Eastern Vermont*. In June 1782 he was commissioned by Gov. Clinton of New York as Lieutenant Colonel commandant of a battalion of six companies in Cumberland county, and for his service in that capacity against Vermont, and other resistance to its authority, he was arrested, indicted, tried, and convicted of treason against the state, banished, and his property confiscated. In response to the petition named in the text, he was pardoned by an act of the General Assembly in Feb. 1783; which declared in the preamble that his petition set “forth his sincere and hearty penitence and determination to behave orderly and submissive, in case of pardon.”—See Slade's *State Papers*, p. 470, for the act, in which copy Col. Church's name is omitted.

³ On the next day the Governor and Council, through Moses Robinson, declared to the Assembly their opinion on this subject, which, doubtless, was in accordance with the foregoing report. In fact, the submission to Vermont of the disaffected in Windham county was largely due to an immovable determination of Gov. Chittenden and the Council to execute the laws of the state upon all who resisted its authority—a determination, however, which was wisely tempered with leniency to the penitent.—See B. H. Hall's *Eastern Vermont*.

term which they shall be raised for, be referred to such Board as shall be thought proper by the hon^{ble} General Assembly.

PETER OLCOTT, for Comtee."

The above Report was read and accepted and Ordered that a bill be brought in accordingly.

Feb. 24.—An act entitled "an act to enable the Governor and Council to pardon certain persons therein described," was read and passed the House." ¹

Feb. 25.—Moses Robinson, Jonas Fay, Isaac Tichenor, Ira Allen, Paul Spooner, and Abel Curtis were elected "as Delegates to Represent this State in the Congress of the United States the ensuing year if necessary."

His Excellency the Governor and the Council joined the House in a Committee of the whole agreeable to their adjournment. After some time spent therein they made the following Report to this House viz:

"IN COMMITTEE OF THE WHOLE, consisting of the Governor, Council and General Assembly, Feb^r. 24th. 1783.

"His Excellency the Governor in the Chair. Doct. Roswell Hopkins, Clerk.

"On motion made, the Bill purporting our attachment to the American cause was twice read, and on motion made by [Lientenant] Governor Spooner,

"Resolved that a Committee of five be appointed to redraught the Bill purporting our attachment to the United States and make such necessary alterations and amendments as they shall judge best, and make Report. The Committee chosen Governor Spooner, Judge [Jonas] Fay, Isaac Tichenor and Abel Curtis Esq^{rs}. and Col^o. Ira Allen.

"A copy of a letter signed by his Excellency the Governor dated Arlington Nov^r. 14th. 1781, directed to his Excellency General Washington, was read.² * * * *

TUESDAY Feb^r. 25th. 1783. 2 o'clock P. M.

* * * * "Governor Spooner, Judge Fay, Mr. Tichenor, Mr. Curtis and Mr. Allen brought in the following as a Bill which they had redraughted and amended purporting our attachment to the American cause, viz.—

"Whereas it is represented that sundry false reports have been industriously circulated among the inhabitants of the Independent States of America, tending to excite Jealousies and distrust and thereby lessen their friendship and esteem towards the Citizens of this State,

"On motion made in a Committee [of the whole] of both Houses, the following Resolutions were proposed and agreed to, viz.—

"Resolved, that the Citizens of this State have from their first forming government uniformly shewn in a public manner their attachment to the common cause and desire of being connected in a federal union with the United States as may appear by their resolutions and other public transactions.

¹ This was designed to aid in suppressing the adherents to New York. For act see the next page.

² See Vol. II, pp. 350-353.

³ The portions of the record here omitted related to the order of ranking the judges of the superior court, providing that the assistant judges after 1783 should take rank by the date of former commissions.

"Resolved, that neither the Executive, or Legislative authority of this State have ever entered into any negotiation, truce, or combination with the enemies of this and the United States, except that only of an exchange of Prisoners, and they are still determined, at the risque of their lives and fortunes to continue their opposition to any attempts made, or that may hereafter be made to infringe or abridge the rights to [or] the freedom and Independence of this and the United States; nor is there a disposition existing in this Committee, from their confidence in the good intentions of the United States to afford their aid, to propose or consent to any terms of peace or otherwise derogatory to or inconsistent with the rights, Liberties, or Independence of this or the United States of America.

"The Committee then dissolved.

"Attest,

ROSL HOPKINS, Clerk."

The aforesaid resolutions with the report ranking the Judges of the Superiour Court were read and agreed to.

IN COUNCIL Feb. 25. The following Act was received from the General Assembly, and after being read was ordered to be entered on the journals of Council, viz:—

An Act to enable the Governor and Council to Pardon certain Persons therein described.

Whereas certain persons in the County of Windham have lately been convicted before the Supreme [superior] Court of this state, of conspiring and attempting an Invasion. Insurrection and Public Rebellion against this State, contrary to the Form of the Statute of this State passed in June last, entitled "An Act for the Punishment of Conspiracies against the Peace, Liberties and Independence of this State," and have been Banished therefor;

And whereas it is suggested that some of said Persons are Penitent and desirous of returning to their Duty, and it is probable that, during the Recess of this House some of said Persons will petition for the Pardon of their said Offenses: This Assembly, being desirous at all Times of showing Mercy when it can be done consistent with the Public Safety;

Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the State of Vermont in General Assembly met and by the Authority of the same, That His Excellency the Governor, and the Honorable the Council of this State be, and are hereby fully authorized and empowered, upon Application to them made, during the Adjournment of this Assembly, to Pardon any of the said Persons who have been banished from this State by the Supreme [superior] Court as aforesaid, in as full and ample Manner as this Assembly could do if convened.

STATE OF VERMONT, IN GENERAL ASSEMBLY, }
Windsor, Feb^y. 24th. 1783. }

The above Act was read and passed the House.

Attest,

ROS WELL HOPKINS, Clerk.

IN COUNCIL, Windsor, February 25th. 1783.

Read and concurred.

JONAS FAY, Sec^y. P. T.

In Assembly Feb. 26 1783. The Committee appointed to prepare an address to Congress, as an answer to their resolutions of the 5th of December last, brought in the following, viz:—

To his Excellency the President of Congress:

Sir:—We, the Legislature of Vermont, request your Excellency to communicate to Congress the following determinations of the freemen of this State in answer to the requisition of Congress of the 5th of December last.

We beg leave to observe, that Congress, in and by their resolutions of the 7th and 21st of August, 1781, did virtually acknowledge the right and engage to recognize the Independence of this State on compliance with a certain preliminary condition therein contained; which preliminary condition has been, in the most full and ample manner, complied with by this State, as appears from the Journals of this House and the Report of a Committee of Congress. In this situation, conscious of our right, and seeing such right virtually acknowledged by Congress, we had no apprehension of our becoming obnoxious, by an exercise of that right over those, who, by an oath of allegiance and otherwise, were the liege subjects of this State, and had, in a flagrant manner, violated its laws and disturbed the peace of government; and however this Legislature may be disposed to extend mercy to delinquents, on proper application, yet, that mercy must be free, and at our own Election.

All and every act of Congress, which interfere with the internal government of this State and tend to prevent a general exercise of our Laws, are unjustifiable in their nature and repugnant to every idea of freedom. It presupposes this State dependent on Congress, not only for the enjoyment of their Independent Right of Jurisdiction, but for the right itself; whereas, the fact is, if we have any right to be an Independent Jurisdiction, such right is, and must be, derived from association, and the civil compact of the people. We conceive the several States in the Union do not owe to Congress their right of existing independent of their neighbours; but that each State was formed by the association and civil compact of its inhabitants. Through this medium they derive their separate rights to Jurisdiction, and Congress the different powers they are vested with; and have, of course, neither the power or right to make or unmake States, within or without the Union, or to controul their internal police, without a power delegated to them for the purpose. Admitting the propriety of this reasoning, and the existence of a right in the people in this State to an Independent Jurisdiction—which is explicitly avowed by the resolutions of Congress of the 21st of August 1781—is not the Resolutions of the 5th of December an invasion of the rights of a free people?

The citizens of this State have ever entertained the highest opinion of the wisdom and integrity of Congress, and have manifested their confidence in that body, by a spirited exertion in prosecution of every measure against the common Enemy, at the risque of life and fortune. We still are ready to comply with every reasonable requisition of Congress; but when Congress require us to abrogate our Laws, and reverse the solemn decisions of our Courts of Justice, in favor of insurgents and disturbers of the public peace, we think ourselves justified to God and the world, when we say we cannot comply with such their requisitions. The Interests of the United States, which, with a view to Confederation, we have made our own, forbid it. It would be licensing factious subjects to oppose Government with impunity. We should become the resort of insurgents and disturbers of government, and, consequently, every measure to raise men or money in support of the Common Cause, would be weak and contemptible.

We are conscious of doing no act, in derogation to the dignity, or in contempt of the authority, of Congress, or to disturb the peace of the

Confederacy; but solely, with a view to the security of our Just Rights, and the internal peace and tranquillity of this State.

As we have, from the commencement of the War, braved every danger and hardship, against the usurpations of Britain, in common with the United States; as our inherent Right of Sovereignty and Jurisdiction stands confessed, upon the principles of the Revolution, and implied by the solemn transactions of Congress, we cannot but express our surprize at the reception of the late resolutions of Congress of the 5th of December, obtained *ex parte*, and at the special instance of an infamous person, as the inclosed evidence, among other things, will evince.¹

And as we have, repeatedly, solicited a Confederation and Union with the United States of America, so now, in the name and in behalf of the Freemen of this State, we renew our request, and, in the most solemn manner, call upon Congress to execute, on their part, the intent and spirit of their resolution of the 21st of August, 1781.

In behalf of the General Assembly of Vermont.

INCREASE MOSELEY, *Speaker*.²

The aforesaid address was read and Unanimously agreed to, and Ordered, that his honor the Speaker sign the same in behalf of this House, and that his Excellency the Governor be requested to transmit a copy of the same to the Congress of the United States of America, enclosing a copy of the deposition of Oliver Lovewell, Esqr., and the petition of Timothy Church.

In Council, Feb. 26 1783.—An Address of the General Assembly, signed by Increase Moseley, Speaker, was read and Concurred.

INCREASE MOSELEY was born at Norwich, Conn., May 18 1712, married Deborah Tracy of Windham, Conn., May 7 1735, removed to "Ancient Woodbury," Conn., about 1740, and to Clarendon, Vt., probably in 1779. He was, from the first inception of the revolution, a leader of the patriots of "Ancient Woodbury;" having been moderator of the first meeting, for the relief of Boston, Sept. 20 1774, which appointed him chairman of the committee of correspondence to secure "peace and union in this and the Neighbouring Colonies;" Nov. 17 1774, was one of the committee to secure compliance with the "Articles of Association" adopted by Congress in the preceding month—[see Vol. I, pp. 325-328;] and Sept. 19 1775, one of the "Committee of Inspection or Observation" over tories and other dangerous persons. From Oct. 1751, Judge Moseley served for thirty-six sessions in the legislature of Connecticut, says Cothren's *History of Ancient Woodbury*, p. 471; but in the list of repre-

¹ The "infamous person," referred to in the address, was CHARLES PHELPS of Marlborough, who was one of the most persistent opponents to the government of Vermont.—See *Remonstrance* of Jan. 9, 1783, last paragraph but one, *ante*, p. 261. The "evidence" enclosed were the statement under oath of Oliver Lovell, and the petition of Timothy Church, which are given *post*.

² In Slade's *State Papers*, p. 187, the name of Thomas Porter is affixed to this paper. Porter was elected Speaker of the House at its first session in October 1782, but was transferred to the Council, when Mr. Moseley was elected Speaker.

sentatives in that volume, forty sessions are assigned to Increase Moseley, down to and including 1784, the fact probably being that for a portion of that time Col. Increase Moseley, third son of the judge, filled the office. This is inferred from the fact that the judge represented Clarendon, Vt., in 1782, and must, under our constitution, have been a resident of the state for at least two years previous to his election. Judge Moseley served but one year in the Vermont Assembly, and in that he was Speaker of the House. He was judge of the Supreme Court in 1780, president of the Council of Censors in 1785, and chief judge of Rutland county court six years, commencing in 1781. He died May 2 1795. His third son, Col. Increase Moseley, served with credit in the war of the revolution. The judge's first son, Abisha, and the latter's son John, are supposed to be the persons of that name mentioned in Hollister's *History of Pawlet*. The judge's fourth son, Prince, married Mary Newton, and removed to Vermont; and his youngest and eighth child, Triphena, married a Bronson, and removed to Vermont. Probably in Vermont Bronson was most commonly known as Brownson. The ancestors of Rev. Abraham, Col. Timothy, Gen. Gideon, Col. Levi, and Amos Brownson are recorded in the history of Woodbury, Conn., as Bronsons.—See Cothren's *History of Ancient Woodbury*; and Deming's *Catalogue*.

VERMONT MATTERS IN CONGRESS, FEB. 4 to MAY 26 1783.

Feb. 4, the Remonstrance of the Governor and Council of Vermont was referred to a committee consisting of Messrs. Carroll of Maryland, Gorham of Mass., A. Lee of Va., Gilman of N. H., and Wolcott of Conn. On the 17th, the letter of Gen. Washington of 11th February to Congress, Gov. Chittenden's of Nov. 14 1781 to Washington, and the reply of the latter Jan. 1 1782, were referred. March 4, a letter of Gov. Clinton of Feb. 25 to the New York delegates, and papers from the insurrectionists in Windham county complaining of the rigor of the Vermont authorities, were also referred. Gov. Clinton's letter urged a speedy decision by Congress.

Depositions accompanying Gov. Clinton's letter.—Abstracts and Extracts.¹

Jan. 20 1783, Charles Phelps deposed "that the Governor & Council and many other Officers of Vermont would pay no regard to them late Resolves [of Congress] but had Determined to make no restitution or [of] Damages to those who were Deprived of property pointed out & Expressed by s^d. Resolves. And this is generally beleived to be true that the Leading and principle Officers of Vermont will not Conform themselves to them but are determined to Fight in Opposition to s^d. Resolves if any Forces are sent to Impel them to a Submission thereto."—Page 379.

¹ The depositions are all in the State Department at Washington, in *N. H. Grants*, Vol. 2, No. 40. The page is indicated in the text at the end of each.

Jan. 20 1783, Jonathan Kittredge of Westminster deposed that at Walpole, on the 16th of Jan. 1783, Col. Stephen R. Bradley addressed a number of men at Walpole "Exclaiming against the Congress meaning the Continental Congress Villifying and reproaching them" and that he [the deponent] was "well satisfied they Damned the Congress & for their Toast Drank their Confusion & Drank the helth of *King George* the third of England, s^d. Bradley having at this Time Addressed himselfe to that Company to know whether they would come and assist them of Vermont Partie against the Continental Troops which were expected to come among the Vermonters to Fight against them in Case they of Vermont should need them," &c.—Page 382.

Jan. 20 1783, Thomas Frink of Keene, N. H., deposed that Paul Spooner, early in the month, declared to the deponent that Vermont would not regard the resolutions of Congress, but would maintain their state organization and execute their laws against all violators of them.—Page 383.

Feb. 22 1783, Wm. Shattuck deposed to the arrest of Timothy Phelps, and that Vermont intended to execute him.—Page 399.

Jan. 24 1783, William Lee, of Chesterfield, N. H., deposed that Ephraim Hubbard of Chesterfield declared to him about two months before, that there was "a Confederacy of the People to cut down all Authority of the United States and Officers therein and Join with the British," and that they would succeed, "for they will have the Assistance of all Vermont State who have joined the British, and all the British too to Joyn," &c.—Page 387.

Copies of the foregoing depositions were all certified by Gov. Clinton, Feb. 23 1783, and sent to Congress.

March 18 1783, Gov. Chittenden transmitted the address of the General Assembly to the President of Congress, accompanied by the following letter :

Gov. Chittenden to the President of Congress.

Copy of a letter from Governor Chittenden to the President of Congress, inclosing an address from the legislature of the State of Vermont to Congress; dated March 18 1783.¹

SIR,

I Have the honor to inclose your Excellency an address from the legislature of Vermont, on the resolutions of Congress respecting this State of the 5th of December last, together with sundry papers relative to the subject; agreeable to your Excellency's request in your letter covering said resolutions to me. Permit me, Sir, to request that you will duly lay the same before Congress.

I would further inform your Excellency and Congress, that agents & delegates are appointed and duly authorised to negociate, on the part of this State, the admission thereof into the federal union of the United States, and, eventually to represent this State in Congress: And, it is with the fullest confidence that Congress will not make any further determinations respecting this State, without first giving our said agents timely notice to attend at Philadelphia, that they do not at this time of the year enter upon the journey, which must be expensive and might prove fruitless and unsuccessful. I have the honor to be, Sir, your Excellency's most obedient, humble servant,

THOMAS CHITTENDEN.

His Excellency Elias Boudinot Esq; President of Congress.

¹ From the *Vermont Gazette*, July 10 1783.

The first of the following papers was sent to Congress in behalf of New York, and the remainder by Governor Chittenden—two of them by direction of the General Assembly.

The Deposition of Oliver Lovell of Lawful Age being duly Sworn Deposeth & Saith that some time ago Viz about the time when Lord Cornwallis was a driving the people in the Southern States that one Judge Mossly [Moseley] who was then a Superior Judge of the people of Vermont came to this Deponents House, and in discourse with said Mossly, Mossly said that if the people of Vermont did not make a Speedy Treaty with the Britons they would be to blame for if that was neglected Vermont perhaps would never have an opportunity to have any favours above the other States and I hope said Mossly our people of Vermont will make peace with the Britons Soon—and further this Deponent Saith not.

OLIVER LOVELL.

June 21st 1782.

Personally appeared before me Charles Phelps Esq. Justice of the peace in and for the County of Cumberland State of New York Oliver Lovell Esquire Subscriber to the foregoing testimony and made Solemn Oath of the truth of the same.

Brattleborough, Cumberland County State of New York.¹

STATE OF VERMONT, } Oliver Lovell of Rockingham in the County
Windsor County. } ss. of Windham Esq^r of lawful Age, being duly sworn, deposeth and saith, that this Deponent has seen a Paper purporting to be a Copy of a Deposition made by this Deponent before Charles Phelps, in June last, respecting a Conversation therein said to have been held between Judge Moseley and this Deponent.

That this Deponent has never made any Deposition or Affidavit of what nature soever before the said Charles Phelps, or before any other person respecting the said Judge Moseley. That the only Time this Deponent saw said Phelps in June last, he was informed by said Phelps that he was not qualified to act as a Justice of the Peace (not having taken the necessary Oaths.)—That this Deponent has never seen said Phelps since the said Month of June, and has been credibly informed, & believes that said Phelps is not to this Day qualified as a Justice. And further saith not.

(Signed)

OLIVER LOVELL.

Sworn this 18th of February 1783. Before me,

(Signed)

SIMON STEVENS *Just. Peace.*

The above is a true Copy of the Original filed in the Secretary's Office.

THO. TOLMAN *D. Secy. to y^e Gov^r. & Council.*

State of Vermont, Arlington March 14th 1783.²

Jan. 16 1783, Phineas Freeman and Nathaniel Whitney deposed that they saw William Shattuck take the oath of allegiance to Vermont, and the oath of office as lieutenant in the militia of Vermont, at Brattleborough, April 18 1781.³

Jan. 15 1783, Phineas Freeman deposed that Charles Phelps declared "that he would as soon come under the Infernal Prince as under the State of New York." Jonathan Howard deposed to the same.⁴

¹ *N. H. Grants*, No. 40, in the State Department, Washington, Vol. II, p. 391.

² *N. H. Grants*, Vol. 2, No. 40, p. 395.

³ *Same*, p. 405.

⁴ *Same*, p. 408.

Petition of Col. Timothy Church.

His Excellency the Governor, the hon^{ble} the Council and House of Representatives of the Freemen of the State of Vermont—

The petition of Timothy Church Humbly sheweth, That since your petitioner was sentenced by the Supreme Court of this State to be banished therefrom not to return thereto on pain of death, in consequence of said sentence accordingly was banished in the month of September last, notwithstanding which your petitioner having intelligence that his family were in a low state of health, as well as under despicable circumstances in regard to the necessary's of life, Your petitioner, not in contempt of the authority of the State, but from the tender feeling natural from a parent to his children, has imprudently again returned into this State, and has been so unhappy as to be taken into custody and his life now exposed by the tenor of the award and sentence of said Court; and now your petitioner being fully sensible of his error in opposing the authority of this State, and more especially after your petitioner had taken and subscribed the Freemans oath, and thereby become a member thereof, and intitled to the protection of its Laws—And as your petitioner is willing and desirous of returning to his duty and allegiance to the State and being restored to his Liberty and the friendship of the Citizens thereof; having a deep and humbling sence of the vile part he has acted and desert of punishment—He does as a sincere penitent most humbly pray for pardon and forgiveness of those who he has in this or any other case offended—also does humbly pray your honors to take his unhappy case into consideration and grant that he may be admitted to his former freedom Liberty and privileges—And your petitioner as in duty bound will ever pray. TIMOTHY CHURCH.

Dated Bennington Decem^r. 28th. 1782.

The aforesaid is a true copy of a petition presented to the General Assembly at their session at Windsor in February 1783, the prayer of which was granted on condition that he pay the cost of prosecution.

Attest

ROSL^r. HOPKINS *Clerk of Assembly.*¹

On the 28th of April 1783, Congress referred the preceding papers to a new committee, consisting of Messrs. Carroll of Md., Gorham of Mass., A. Lee of Va., White of N. H., and Mercer of Va.,² who reported on the 26th of May as follows :

Report of Committee, Messrs. Carroll, Gorham, A. Lee, White and Mercer, on affairs of Vermont, delivered May 26 1783, entered and read.

The Committee appointed to consider the letter from Tho^s. Chittenden Esq^r and the other papers relative to the territory call^d. Vermont

Report that it will be proper for Congress to determine wither [whether] the inhabitants of that district commonly call^d. Vermont shall be admitted into federal union as a separate State, after which it may be proper to Consider what further steps should be taken respecting the matters refer^d to in the diferent papers that have been refer^d to them.³

¹ *N. H. Grants*, Vol. 2, No. 40, p. 409.

² The printed journal of Congress neither names this committee nor gives the report. The committee was found by Hiland Hall in *Committee Book of Continental Congress*, No. 186, and the report in the State Department at Washington.

³ *N. H. Grants*, Vol. 2, No. 40, pp. 412, 420.

This report presented no question for the action of Congress. It was simply advisory, and the advice was practically acquiesced in, since the continental Congress never attempted to act on either of the matters named above by the committee until the committee reported, in May 1784, in favor of acknowledging the independence of Vermont. It is obvious, therefore, that if Congress really intended, in December 1782, to resort to force against Vermont, that intention was abandoned, at least by a majority in that body, in the May following. Nay more: Congress at this period refused to New York the use of troops, which might have been used by Gov. Clinton against Vermont, on his interpretation of state rights.¹

The friends of Vermont at Philadelphia seem to have been hopeful. "A gentleman high in office in Philadelphia" wrote on the 23d of May 1783, to a friend in Bennington, that

The definitive treaty [with Great Britain] has not arrived yet from France, nor one from Vermont, *although the preliminaries of both are fairly settled and agreed upon.*—*Vermont Gazette.*

Concurrently with the consideration of the foregoing papers from New York and Vermont, Congress was called to consider another proposition from New York, which is next to be introduced. It is a matter that has never been alluded to in any history of the controversy which the editor of this volume has seen; and yet it is a part of the documentary history of the time, and was directly connected with the closing action on the Vermont question in the continental Congress.

APPLICATION TO CONGRESS FOR TROOPS TO BE CONTROLLED BY NEW YORK—MARCH 1783.

Congress having been prevented from using the United States troops against Vermont by the intervention of General Washington in February 1783, New York had no means for a resort to force, except by her own troops. To this the sixth of the Articles of Confederation interposed an obstacle which could not be removed without the consent of Congress. It provided that

No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted.²

¹ See succeeding pages, and Appendix C, on the attempt of New York to get the consent of Congress to raise five hundred troops, ostensibly for the northern and western garrisons in that state.

² *The Constitution*, Hickey's sixth edition, p. 485.

This precluded force against Vermont by New York, because, during the period in which force was contemplated, Congress was constantly in session, and its consent could be asked. That consent was asked in March 1783, almost immediately after Washington's interposition against force by Congress, and it was persistently pressed until May 1784.

[From J. C. Hamilton's *History of the Republic*, &c., Vol. II. pp. 553-555.]

The legislature of New York, alive to the importance of garrisoning the western posts immediately upon their evacuation, passed a vote in the month of March, [1783,] requesting their delegates in congress to obtain a resolution in conformity to the sixth article of the confederation, declaring the number of troops they should deem necessary for that purpose, stating the opinion of the legislature that a body not exceeding five hundred men would be adequate to that object, and *their wish that the force should consist of New York state troops who had been enlisted, and were in the pay of Congress, but whom they desired that the United States should declare thenceforth to be considered in the service of the state, and not in the pay or service of the United States; requesting munitions and provisions to be furnished by congress, but to be eventually charged separately to the state.*

The letter from General Washington suggesting the propriety of occupying these posts with a portion of the troops of the United States,¹ had been referred to a committee, of which Colonel Hamilton, Madison, Osgood, Ellsworth, and Wilson, were members.

Hamilton submitted a report to congress, directing the commander-in-chief, whenever the frontier posts should be evacuated, to place therein of the troops under his command enlisted for three years such force as he might judge necessary to hold and secure them, until further measures should be adopted for their security, for a term not to exceed nine months.²

The consideration of this report, which was commenced on the eighth of May, was postponed by the state of Virginia until the twelfth, when it was adopted. Ten states voted in the affirmative, Bland, Lee, and Mercer, the members from Virginia, being against it.³

The course which Hamilton took upon this question, gave rise to much dissatisfaction in the minds of a portion of his constituents. *The views*

¹ The letter of Washington to the President of Congress, May 3 1783, in view of the application of New York, was decided and emphatic:

The posts should certainly be occupied by *United States troops* the moment they are evacuated by the British.—*Life and Writings*, Vol. 8, p. 429.

Later the application was for the western and *northern* posts; and later still it was "for the preservation of the fortresses on the frontiers of this state, [New York,] and *for the protection of its citizens.*" Thus Gov. Clinton clearly included the Yorkers in Windham county.

² For the resolution, which was adopted May 12 1783,—thus rejecting the proposition of New York,—see *Journal of Congress*, Folwell's edition, Vol. VIII, p. 191.

³ Mr. Hamilton of course voted for it; but he being the only member from New York present, the vote of that State was not cast.

of Clinton, the governor of New York, were widely different, and the proceedings of the legislature of that state were in accordance with those views.

Soon after Hamilton had retired from congress, Clinton addressed a general letter to the delegates in that body.¹ Among other observations, he remarked in this letter, "I would take this opportunity also of calling your attention to concurrent resolutions of the legislature respecting the garrisoning of the western posts in this state, which, by the provisional treaty, are to be evacuated by the British. These resolutions were in the tenor of instructions to our delegates, and were immediately transmitted to them; but as I have not been favoured with any official information of the result, I submit it to you, whether some report on a subject so interesting to the state may not be necessary for the satisfaction of the legislature. From informal communications made to me by the commander-in-chief, I have reason to believe that he has directions from congress for garrisoning those posts with continental troops, and that he is making arrangements for that purpose. But as you will observe that it was the sense of the legislature that those posts should have been garrisoned *by the state*, an explanation of the subject becomes the more necessary; and it is now for this reason alone, I would request that you would be pleased to favour me with a particular detail of the motives which influenced the determination of congress on the occasion. For it will readily be perceived, that should congress at this late day accede to the propositions made by the state, it might be impracticable to carry them into execution; especially as I have not ventured, in the state of uncertainty in which I was left, to incur the expense which the necessary preparations for the purpose would have required."

To this letter Col. Hamilton wrote a very able response, but without alluding to any use of the troops other than to garrison the posts. Nevertheless, New York again pressed its project upon Congress in 1784, as will be found in *Appendix C*.

Failing to get the five hundred regular troops from Congress, on the 12th of May 1783 Gov. Clinton resorted to the militia; but not of New York proper, since such a force could not be marched into Windham county without passing either through Massachusetts, or Bennington county in Vermont, which the Governor had never found to be safe fighting ground. His orders were given to the New York militia in Windham county. Here it will be seen there was no concealment as to the object of attack. This was done avowedly with the hope that Congress would be induced either to resort to force itself, or permit New York to use its troops.²

*Gov. Clinton to Col. Timothy Church, June 24 1783—Extract.*³

In consequence of the communications which have been made to me by Mr. [Charles] Phelps and yourself, with respect to the present situation of the subjects of this state in Cumberland [Windham] county, and the dangers which they appear to be threatened with, I would advise

¹The date of this letter was Aug. 23 1783.

²See *Appendix C*.

³*Eastern Vermont*, pp. 498-500.

you in case of an attempt by the usurped government of Vermont to compel obedience and submission from any persons claiming to be subjects of this state, to call out your regiment under the militia law, and, by opposing force to force, endeavor to quell the insurrection [i. e. the Vermont authorities:] and if any of the inhabitants professing to be subjects of this state should be made prisoners by the authority of the usurped government, I would advise you to retaliate by taking as many of the insurgents, and detaining them under secure conduct as hostages, until the matter can be represented to Congress. In order that you may be prepared to defend yourselves against these violences, it now becomes your duty particularly to see that your regiment is properly provided and equipped with arms and ammunition, agreeable to the directions of the militia law. I would at the same time, again impress you with the propriety of still strictly observing the resolutions of Congress, recommending peace and forbearance, and that you in nowise be the aggressors, and would earnestly advise you to use every pacific means consistent with the obligation of allegiance to this state, for preventing matters from being brought to a decision by arms, and that in no instance you recur to force, unless your persons or properties are in certain immediate danger, taking due care at the same time to guard against surprise. I shall take the earliest opportunity of transmitting to Congress the depositions of yourself and Mr. Phelps, informing of the treatment you and Mr. Timothy Phelps have received from the usurped government, and I have no doubt that Congress will discover the necessity of their immediate interference for your relief and protection, agreeable to the public faith solemnly pledged in their resolutions.

From the communications made to me by the delegates of this state, I have reason to believe that if the attention of Congress had not been necessarily diverted from the subject, first by the deranged state of our public affairs, and afterwards by the great event of a peace, they would ere this have taken measures for enforcing obedience to their resolutions, and have determined as to the boundaries of the state. And I flatter myself the question will very soon be resumed and decided.

There are many considerations which I forbear repeating, and which should induce us to rest the determination of this matter with Congress, in whose justice we ought to have the fullest confidence, and who can command the force of the United States to carry their decisions into effect.

PROPOSED PARTITION OF VERMONT BETWEEN NEW HAMPSHIRE AND NEW YORK.

While Gov. Clinton evidently relied upon force ultimately, he at the same time united with other New York statesmen in entertaining a project for compromising the claims of New Hampshire and New York, by dividing the territory of Vermont between them. The origin of this scheme in 1779, and its proposal in Congress in March 1782, have already been given in Vol. II, pp. 223-4 and 376. The renewal of the scheme in Vermont, its proposal by New Hampshire to New York, and the correspondence of New York statesmen thereon, will appear in the following documents.

Resolutions of a Convention of Committees of Newbury, Bradford, Norwich, and Hartford, and Memorial to the Legislature of New Hampshire, May 1782.¹

In pursuance of Votes passed and information given by the Towns of Newbury Moretown [Bradford] Norwich and Hartford lying on the N. Hampshire Grants so called west of Connecticut River proposing to take some measures to be informed of the honorable Gen^l Court of New-Hampshire whether a union of the territory aforesaid can be effected with the State of New Hampshire, in consequence of their claim over the same—on terms honorable and mutually beneficial—and appointing Committees from those several Towns to meet at Thetford in order further to consult on the subject and gain information therein in such way and manner as may appear most advisable.

The said Committees being convened in consequence of the Votes and instructions aforesaid—after mature deliberation came to the following Resolutions:

Resolved that it evidently appears to be the wish and desire of the inhabitants of the towns above named as by their said Votes and instructions is expressed—and also by good information it appears to be the desire of several other towns who have not had opportunity to be represented at this time—that the territory aforesaid or part thereof should be united with the State of N. Hampshire and be under its jurisdiction—provided it can be done on terms that may be honorable and mutually advantageous—And that we therefore think it our duty to enquire of the said General Court of N. Hampshire whether agreeable to their claim aforesaid—the territory or Grants above mentioned or part thereof may on such terms be united with and become a part of that State—and that we imagine such an union might be formed to the general benefit well being and intrest of the whole.

Resolved that if the hon. Gen^l Court of N. Hampshire are disposed or desirous to extend jurisdiction over the territory aforesaid or a part thereof—they be earnestly requested to signify their disposition therefor to the several towns in their said claims as soon as conveniently may be—and also manifest their ideas respecting judicial and other proceedings under the authority of Vermont—cases now pending in Courts, &c—and if a seasonable adjustment of these last mentioned and other necessary matters can take place—we have full reason to believe and assert that the greater part of the inhabitants in said territory would readily acknowledge the authority of N. Hampshire—Expecting doubtless at the same time that some direction or assistance will be afforded in guarding the frontiers.

And whereas a negotiation or correspondence has been evidently—and from many circumstances we suspect is still carrying on by persons in high office in Vermont with the british officers and Government—greatly prejudicial to the cause of America and destructive of the final welfare of this Country—whereby there is the utmost reason to fear and believe that many persons who are disposed and doubtless do harbour and give intelligence to our enemies—cannot be bro't to justice under our present situation—and other accumulated evils consequential thereto cannot now be remedied—

Therefore Resolved that the Court of N. Hampshire be requested to order a number of troops to the defence of the frontiers—it being from

¹ From N. H. State Papers. *Vermont Controversy*, 1764–1791, furnished by the late Capt. W. F. GOODWIN, and printed in the *N. Historical Magazine*, Vol. II, pp. 938, 939.

many circumstances apparent that unless [aid] and assistance be speedily afforded from some quarter—the situation of these frontiers will be truly deplorable.

Resolved that the following memorial be transmitted to and laid before the hon. Gen^l Court of N. Hampshire together with these Resolutions—and that Able Curtis Esquire¹ be appointed Agent to wait on that honorable Court with the same—And that said Agent be desired and empowered to make or receive such further proposals agreeable to the tenor hereof as may then be judged beneficial and expedient.

[*Memorial.*]

To the honorable general Court of New Hampshire to be convened at Concord in and for said State on the second Tuesday in June next the Committees aforesaid in the name and behalf of the Towns above named beg leave to represent—

That the Grantees and occupants of the greater part of the lands in the territory aforesaid were possessed of titles from the Governor of New Hampshire and in expectation of having continued under the jurisdiction of that Government—

That the people in said territory were very unexpectedly and disagreeably involved in difficulties and calamities by being annexed to New York by the royal edict in the year 1764—out of which they ever were disirous and endeavored to extricate themselves—but without success until after the memorable american revolution—when for their mutual benefit and protection against the efforts of internal and external foes they were impelled by necessity to form into a separte jurisdiction—

That necessity and necessity only induced the inhabitants of the Towns above mentioned and many others to unite and continue under the new Government—Being unjustly deprived of that jurisdiction and protection from New Hampshire which they had a right to expect and enjoy. And while they have esteemed the Congress of the United States to be the guardians of the rights of a numerous and free people—and have been ready to stand forth in the defence and support of the cause of America—they have for a long while looked to them for a settlement of our unhappy disputes; but hitherto to no purpose.

That while on the one hand we view with keenest anxiety a negotiation on foot with the british greatly to the detriment of the public cause and tending to our final ruin without a speedy remedy—which we are not at present in a capacity to obtain or afford—on the other hand we may view our rights violated in the most flagrant manner and our liberties trampled upon by a number without rebuke or remorse—And therefore unless a number of men be raised or afforded for the defence of these frontiers—we must view their situation to be indeed very distressed and unhappy.

That altho we would not wish to involve ourselves under greater disadvantages to obtain relief from our present troubles—we think it our duty nevertheless to enquire whether the jurisdiction of New Hampshire may not be as real as its claim—and whether the territory aforesaid may not be speedily united with and become a part of that State on such principles as may be honorable mutually beneficial and advantageous to the whole—Being persuaded that the said territory on account of its fertility &c. may greatly add to the wealth and resources of New Hampshire.

¹ Mr. Curtis had served in the previous February, as Agent of Vermont at Congress, and was then a member of the General Assembly.

The Committees aforesaid there fore beg that your honors would take the several matters herein before suggested into your wise consideration and rest assured you will pursue such measures thereupon as will eventually prove for the best good of New Hampshire and the territory aforesaid whose interest ought doubtless to be inseparable.

Signed by order and in behalf of the Committees aforesaid—this thirty first day of May in the Year of our Lord seventeen hundred and eighty two and in the sixth year of American Independence.

BILDAD ANDROS *Chairman*.¹

Newbury May 31th: 1782

at a Legal meeting of S^d. Town on said Day being a full meeting voted to be under the Government of the state of Newhampshire at the same time chose Gideon smith to meet a Convension of members from towns who should be of our Opinion at Threadford [Thetford] in Order to make application to S^d. state of Newhampshire.

but two men Voted in the Negative who war William Wollis and Levi sylvester

JACOB KENT Town Clerk.

Newbury November 7th: 1782

Whereas Application was Made to the State of Newhampshire at their Sessions at Concord In June last by Mr. Curtis Agent for five Towns and Incouragement Given for Jurisdiction and protection and we are Senceable that protection has been afforded from S^d. State for which we return S^d. State thanks in the Name of this Town and now Desire said State would Extend Jurisdiction over said Town in its full Extent as it is the Desire of the Town in General. Your Humble Servants.

P. S. the vote of Newbury the 31st of May last is enclosed.

SOLO'N HEATH	} Selectmen
JOSHUA BAYLEY	
FRYE BAYLEY	

of Newbury.

The Hon^{ble}: the President Council and House of Representatives of the State of New Hampshire.

The dissatisfaction in the four towns named in the preceding papers doubtless was due in part to the dissolution of the second Union with New Hampshire towns in the preceding February, and in part to jealousy of the ruling Vermonters: but evidently loyal sentiments to the State soon prevailed. Thetford seems to have declined to join in the sch^{em}e: in fact, June 11 1782, a special meeting of that town was called, "to see if said town considers itself belonging to the State of Vermont, or not;" and it was voted "we consider ourselves belonging to the State of Vermont."² Hartford and Norwich were each represented in the Vermont Assembly in the October following—Hartford by its leading men, JOSEPH MARSH and JOSHUA HAZEN: and Norwich, as one of

¹Doctor BILDAD ANDROSS was one of the delegates from Bradford to the Conventions at Windsor, June and July 1777, to organize the Vermont government, and a member of the Vermont Assembly in 1787. He was a justice of the peace under New York from 1766 until at least March 14 1775, as on that day he signed the "State of Facts" of the Westminster massacre in his official character as a New York magistrate.—See B. H. Hall's *Eastern Vermont*, pp. 747, 765.

²*Vt. Hist. Magazine*, Vol. II, p. 1095.

its representatives, by the agent named by the Convention at Thetford to present its memorial to New Hampshire—ABEL CURTIS; Bradford was also represented in 1783; but Newbury was unrepresented until 1784, when JACOB BAYLEY was one of its representatives. Gen. BAYLEY was the leading man of his town and vicinity, and the unanimity of Newbury on this subject, and its long neglect in returning to Vermont, were probably due to his influence. The memorial charges the Vermont government with imperilling their safety by negotiating with the British, flagrantly violating their rights, and remorselessly trampling upon their liberties. This seems to be an indictment in three counts, but the real meaning undoubtedly is, that Vermont, in securing its western frontier, was subjecting the north-eastern to greater danger from the enemy. This was the opinion of Gen. BAYLEY on receiving news of Ethan Allen's truce with the British, in Nov. 1780, immediately after Royalton had been burnt; and the same opinion was expressed by Col. THOMAS JOHNSON of Newbury, in a letter to Gen. Washington, on the 30th of May 1782—the day preceding the Convention at Thetford. Certainly the records of Vermont contain nothing hostile to the towns in question; so necessarily the ground of their dissatisfaction must be sought for elsewhere. The letters of Bayley and Johnson follow.

Gen. Jacob Bayley to President Weare of New Hampshire.¹

NEWBURY 6th Nov'r 1780.

Sir, I Send Inclosed an Extract of a letter² from Maj^r. Allen to Capt. Safford which is very alarming to me I question whether Either of the United States may Proceed So far as that Extract Shows they have done they confine the Truce to this State as they call it the Threats they have made and many other Concurring reasons Induceth

¹ *Vt. Historical Magazine*, Vol. II, p. 937.

² The extract was as follows:

FORT VENGEANCE, [Pittsford.] Oct. 30 1780.

To Capt. Jesse Safford, supposed at Bethel Fort.

Dear Captain.—I received a letter from Gen. [Ethan] Allen last evening informing that the evening before he received a flag from the British troops at Crown Point, with letters of importance from the commander in chief at Quebec. Major Carleton hath pledged his faith that all hostilities on his part shall cease during the negotiation, and he expects the same on our part. You are, therefore, carefully to observe the rules of war and give strict orders to your scouts and troops to govern themselves accordingly. A copy of this letter you will forward to the troops stationed on your side of the mountain. If the spirit of this letter were made known to the inhabitants on your side of the mountain it would be well. I am, dear sir, your humble servant, EBENEZER ALLEN.

The copy of the above was attested by Bezaleel Woodward "by desire of the general committee [of safety] on the New Hampshire Grants contiguous to Connecticut river."—*Washington Letters*, State Dept., Vol. XLIV, p. 31.

me to think the Letters of Importance and Negotiation mentioned in the abstract are no other but in Consequence of Purposals by Genl. Allen to the Governor of Canada in behalf of Vermont I cannot Expect any Better of a number on that Side the Mountains if they Cannot have their will than to Join the Enemy and if they do it will be bad for you as well as us. * * All the force that can be spared from Canada is at Crown Point, and Onion River, and tho. they have been for Six weeks in that Quarter and it had been in their Power to Distress the People on the Grants west of the mountains yet not [a] man killed or Captivated nor House Burnt *but look on this Side where People are opposed to the People on the west in their Extravagancys they Burn kill and Captivate and have been and now are watching to Destroy this and other Places on this River* also look at York State what Devastation have they made even to Fort Miller the Country is Ransacked and burnt is it not Alarming on our Part we Shall Keep a good look out and are Determined to oppose to the last I do Expect they will make another attack on this River. *I wish you would give orders that the myttest Regt in your State [come] so one [we] might be in Readyness,* while I am Writing Lt White came in from Onion River Informs that a Party of Enmy are Still on Onion River your Troops are well that are here and I am much Pleased with your officers I am Gen^l. Your most obedient Humble Servant.

JACOB BAYLEY.

Extracts from letters of Col. Thomas Johnson to Gen. Washington.¹

Newbury May 30, 1782.—This infernal plan of treachery in Vermont (as I have often heard in Canada) was contrived before Ethan Allen left the British, and he was engaged on their side. It ran through the country like a torrent, from New York to Canada, and the present temper of Vermont is a piece of the same. Were the people in general upon the grants on this side of the mountains to declare for New Hampshire or New York, it would be contrary to the agreement of their leading men; and unless protected by your Excellency, the innocent with the guilty would share a miserable fate. This part of the country being sold by a few designing men, of whom a large number are very jealous, a small number have by me their informer, or otherwise, got the certainty of it, and it puts them in a most disagreeable situation. *They are desirous of declaring for New Hampshire; but many of their leaders earnestly dissuading them from it, it keeps us in a tumult, and I fear the enemy will get so great an advantage as to raise their standard, to the destruction of this part of the country. They keep their spies constantly in this quarter without molestation, and know every movement and transmit the same directly to Canada; and when matters take a turn contrary to their minds, we are miserably exposed to their severest resentment.*

Exeter, July 20, 1782.—I have been exposed by the infirmity or the imprudence of a gentleman, one that we could not have expected it

¹ *History of Coos County* by Grant Powers, pp. 205–212.

Col. JOHNSON (lieutenant colonel of militia under New York) was a resident of Newbury and a zealous patriot. March 8 1781, he was captured by a party of British and Indians and taken to Canada, where he was held as prisoner until October 5 1781, when he was permitted to return to his home on parole. The two letters here quoted from were for his release by an exchange.

from.¹ I have received nothing [from Canada] of much importance since my last. I have since received a confirmation of their [the British] intentions to execute rigorous measures against the opposers of Vermont.² I have fears of an invasion on that part of New Hampshire by the imprudence above mentioned. I have fears of the [my] correspondence [with the British] being stopped; have wrote to Canada: since which by agreement Capt. Prichard was to meet [me] on Onion River, the 10th of this instant. Private concerns brought me here at this time. If suspicion don't prevent, I expect something of importance waiting for me; should it prevent, shall stand in the greatest need of a man to send in exchange for me.

*President Weare to Gov. Clinton.*³

HAMPTON FALLS July 2^d 1782.

Sir,—I have the honor of Inclosing to your Excellency a Resolve of the General Assembly of the State of New Hampshire pass'd in Consequence of a Representation from sundry Towns on the west side of Connecticut River.

Your Excellency is not Unacquainted with the many difficulties which have Arisen, both to this State, and the State of New York, by reason of the Claim of Vermont so called, which matters have been submitted to the determination of Congress: But there does not at present Appear a prospect of a Speedy Determination of Congress respecting the Matter. It is represented, that an Agreement between the States of New York and New Hampshire, Respecting their Boundaries, might probably tend to bring the matter to an issue and that the people in general between Connecticut River and the height of land, would be better satisfied to belong to New Hampshire than to Vermont, if Vermont could be made a Separate State. What the disposition of the people on the west side of the height of land may be, I am not able to say. If these difficulties could be Settled to general Satisfaction it would be happy. I am to Request Sir, that you would take the mind of your Legislature Respecting the Matter, and favor me with the Result of their deliberations thereon, As soon as may be.

I have the honor to be with much Esteem and Respect y^r. Most Ob^t. & Hum^{le}. Sev^t. MESHECH WEARE.

His Excellency Governor Clinton.

Resolution of the Legislature of New Hampshire, June 21 1782.

STATE OF NEW } IN THE HOUSE OF REPRESENTATIVES June
HAMPSHIRE } y^e 21th 1782.

Upon reading a representation from the Towns of Newbury, Moretown, [Mooretown, alias Bradford,] Norwich & Hartford lying on the west side of Connecticut River expressing their Desire to be under the

¹ Col. Johnson had professed to British officers in Canada to be on their side, and it was the exposure of his true character as a whig that he feared.

² June 17 1782, Capt. Prichard with a British scout of eighteen men made a very bold but unsuccessful attempt to capture Gen. Bayley at Newbury. Col. Johnson was present.

³ *Clinton Papers*, No. 4268.

Jurisdiction of New Hampshire in case they could be received upon such Terms as were honorable and mutually advantageous and also intimating that it would probably be agreeable to the Inhabitants of that part of the Territory called Vermont that is situated to the Eastward of the height of land to join New Hampshire on the same terms—

Resolved that altho this State suppose they have a just title to the whole of the Territory called Vermont which has long been controverted between this State and the State of New York, nevertheless for the sake of Peace and a good harmony with said State of New York and to accomodate the said Inhabitants East of the said height of land this State is willing to extend their Jurisdiction over that part of the Territory called Vermont that lays East of said height of land, Provided the generality of the Inhabitants thereof shall desire it, provided also that New York will settle a boundary line upon the said height of land— And also in such case this State will do whatever may be found needfull and reasonable to be done towards establishing the proceedings of said District under the Authority of Vermont and also will afford them such Protection against the Common Enemy as the nature of the Case and the ability of the State will admit. And that the President be desired to inform the State of New York of our proceedings herein and desire their Sentiments respecting the same.

Sent up for Concurrence.

JOHN DUDLEY *Speaker P. T.*

IN COUNCIL June 21st 1782 read & concurred.

M. WEARE *President.*

Copy Exam^d by T. PEARSON *D. Sec^y.*

Gov. Clinton acknowledged the receipt of the foregoing resolution ; stated that he had laid it before the legislature, but too late for their action ; and expressed confidence that measures would be adopted for effecting an amicable settlement of the controversy.¹

Delegates of New Hampshire to Prest. Weare.—Extract.

Philad^a. Dec. 11th. 1782.

You have Inclosed Sundry Resolutions passed the 5th Inst. Respecting the affairs of Vermont; a Resolution is now under Consideration² for Assigning a Day when Congress will make their final Determination Respecting that Territory. This we Endeavoured to have determined in Season to be Transmitted by this Post, but it has met with such Obstructions as has hitherto prevented, it will probably be done in a few days—As the final Determination of this matter is of very great Importance we have to repeat the Request, that the Honorable the Legislature would be pleased to give their Explicit Instructions on the Subject. They will undoubtedly Examine the Act of November 1779, and other Resolutions and Instructions now in force on this Subject. It is probable the first Question will be whether they shall be a Seperate and Independent State; if this should be Determined in the Negative we should then wish to know whether the Honorable the Legislature would desire to have the matter determined in the Mode prescribed by the Ninth Article of Confederation, or attempt an Agreement and Accommodation

¹ *Clinton Papers*, No. 4691.

² The resolution here referred to is not noticed in the journals of Congress; probably because no decision was made thereon.

Respecting the same with New York & Massachusetts.¹ We have frequently heard while in the State that this affair might be Easily Settled, but although much has been done by the State to obtain a Settlement; Special Agents have been appointed for the purpose; and it is now more than three years since the Act passed Submitting the affair to Congress; Still it remains unsettled and is greatly Embarrassed.

We have the Honor to be Your most Obed^t Servts,

P. WHITE,

JOHN TAYLOR GILMAN,

Hon^{ble} Meshach Weare Esquire.

John Taylor Gilman to Prest. Weare.

PHILAD^A, Jan^y 16th 1783.

Sir,—Your favor of the 30th Ultimo (on the subject of Vermont affairs) came to hand yesterday. Am Sorry to find that the Hon^{ble} the Legislature have not given any Direction in that matter. The Legislature of New York are now in Session, and from some information which I have had this Day, think it is probable they will Repeal their Act by which the Desision of this matter was Submitted to Congress; if it should be proposed in the present State of this matter, and without Deciding on the Question of their Independence, that it be Recommended to New York and New Hampshire to adjust this matter between themselves, Reserving to Massachusetts the Right of Claiming, and a Trial upon the principles of the Confederation, and that Congress pledge themselves for carrying into effect their agreement, How Ought we to vote on the Question? for my part I feel Embarrassed by that part of the Act of 1779, by which A Special Agent is appointed and other Instructions heretofore given on that Subject.

I have conversed freely with Gen^l Whipple² on the Subject at Large. He has had opport^y to Converse with others, and will give full Information. Have no News to write, more than is in the Papers Inclosed.

I have the honor to be Your most Obed^t Serv^t.

JOHN TAYLOR GILMAN.

Alexander Hamilton to Gov. Clinton.³

PHILADELPHIA Jan^y 1st 1783.

Sir,—As the Legislature will shortly meet I take the liberty to mention to Your Excellency, that it appears to me of Great importance, they should take up the affair of Vermont on the idea of a *compromise* with

¹ The second clause of Article IX of the Confederation made Congress the last resort in questions between states as to boundary or jurisdiction; and provided for a trial of such cases by commissioners to be agreed upon by the parties, or, in case of disagreement, appointed by Congress.—See *The Constitution*, by W. Hickey, sixth edition, p. 486.

² Gen. WILLIAM WHIPPLE of New Hampshire had just completed his duty as one of a board of commissioners sitting at Trenton, to try a case between Pennsylvania and Connecticut. At the date of the above letter he seems to have been in Philadelphia.

³ *Clinton Papers*, No. 4905.

Massachusetts and New Hampshire and propose to those States a meeting of Commissioners for that purpose. I have little hope that we shall ever be able to engage Congress to act with decision upon the matter or that our State will ever recover any part of the revolted territory but upon a plan that will interest the two States I have mentioned, or at least one of them. If you agree with Massachusetts and New Hampshire, or with one of them, the agreement will I think meet with support here.

A peace may shortly take place; this makes it of great importance to our pretensions that the affair should be speedily determined.

I have the honor to be yr^{ts} Excellencys Most Obed. & hm. Serv.

A. HAMILTON.

William Floyd [in Congress] to Gov. Clinton, Feb. 18 1783.—Extract.¹

It still appears clear to me that a Compromise with New Hampshire will be a very proper Step to be taken and I do hope that our Legislature will before they Rise do the needful on that subject, to meet the wishes of New Hampshire as Communicated in their Letter to your Excellency last Summer.

Gov. Clinton to Alexander Hamilton, Feb. 24 1783.—Extract.²

You may remember, that in July last, I submitted to the consideration of our Legislature, certain Resolutions of the Assembly of New Hampshire, making overtures for an amicable settlement of a boundary line between the two States; which were read and committed. * * * I cannot, however, discover any disposition to take up this business. It seems to be the prevailing opinion, that as Congress has engaged to make a final decision of the controversy respecting the district called the Grants, a partial compromise of the matter would be improper; as any measures for the purpose, might alienate the affections of our most zealous subjects in that quarter, and be attended with other dangerous consequences. Besides, doubts exist whether the Legislature have authority, by any act of theirs, to consent to such a dismemberment of the State as would probably be insisted upon, on a compromise with New Hampshire. I am, nevertheless, still persuaded, should Congress determine the summit of the mountains to be the boundary between the two States, this State (whatever our sentiments might be of the equity of the decision) would, for the sake of peace, submit to it; and there cannot be a doubt, but that New Hampshire would be perfectly satisfied with the jurisdiction of so extensive and valuable a territory.

John Church Hamilton on Alexander Hamilton's action on the Vermont Question in 1782-3.³

It has been observed that the territorial controversy between New-York and the people of Vermont had remained, at the commencement of this congress [1782-3,] unadjusted. Congress had never acted with decision on this subject. New-England with the exception of New-Hampshire, was in favour of the disaffiliated party. Some of its leading

¹ *Clinton Papers*, No. 4934.

² *Works of Hamilton*, Vol. I, p. 338.

³ *History of the Republic of the U. S.*, by John C. Hamilton, Vol. II, pp. 538-541.

men denied the right of congress to interfere; most doubted the expediency. The four states south of New-York also favoured their pretensions. She [New-York] was only sustained by the southern states—jealous of the east—unwilling to admit into the union another small state to enjoy equal political weight, and to have a voice in respect to their western claims. But New-York entertained no doubt of her rights, and looked with extreme jealousy on any interference with them. Several individuals who acknowledged their allegiance to her had been banished by Vermont, and their estates confiscated. This procedure was brought before congress on the fifth of December [1782.] by a resolution seconded by Hamilton, declaring it to be “highly derogatory to the authority of the United States, and dangerous to the confederacy:” requiring restitution of the confiscated property, and pledging themselves to enforce it. After several modifications, it passed. The only object of this resolution was to prevent hostile collisions until the question of jurisdiction should be settled, or at least until the termination of the war. But the enforcement of it would be extremely difficult in a country of mountains and defiles, by troops, most of whom were from the Eastern States, and all averse to such a conflict. When Hamilton proposed this resolution, he had recently taken his seat in congress, [Nov. 25 1782,] and was uninformed of the diversity of the views entertained by its members on this subject. As soon as he ascertained the true position of the question, he wrote to Clinton suggesting a compromise. The governor replied that the prevailing opinion of the state was, that a partial compromise would be improper, as congress had engaged to make a final decision of the controversy. He thought, however, that if the summit of the mountains should be designated by them as the boundary, New-York would submit to it “for the sake of peace.”

Hamilton again adverted to the subject: “A few days since¹ I was honored with your excellency’s letter of the ———, and was glad to find your ideas on the subject corresponded with mine. As I shall in a day or two take leave of congress, I think it my duty to give my opinion to the legislature in a matter of importance to the state, which has been long pending, and is still without a prospect of termination, in the train in which it has been placed. I mean the affair of the Grants. It is hazardous to pass a positive judgment on what will happen in a body so mutable as that of congress; but from all I have seen, I have come to a settled opinion, that no determination will be taken and executed by them in any other manner than in that prescribed by the confederation. There is always such a diversity of views and interests, so many compromises to be made between different states, that in a question of this nature, the embarrassments of which have been increased by the steps that have preceded, and in which the passions of the opposite sides have taken a warm part, decision must be the result of necessity. While congress have a discretion, they will procrastinate; when they are bound by the constitution, they must proceed.

It is therefore my opinion that it will be advisable for the legislature, when they meet, to review the question, and either to relinquish their pretensions to the country in dispute, or to instruct their delegates, if a decision is not had within a limited time, to declare the submission to congress revoked, and to institute a claim according to the principles of the confederation. It would be out of my province to discuss which side of the alternative ought, in policy, to prevail, but I will take the

¹ Mr. Hamilton did not give the date of the letter quoted. The letter was to Gov. Clinton, and the internal evidence is that it was written about the 14th of July 1783, as Hamilton left Congress on the 16th.

liberty to observe, that if the last should be preferred, it would be expedient to remove every motive of opposition from private claims, not only by confirming in their full latitude, previous to the trial, the possessions of the original settlers, but even the grants of the usurped government. It may happen that it will be eventually necessary to employ force; and in this case, it would be of great importance that neither the inhabitants of the Grants, nor powerful individuals in other states, should find their private interest in contradiction to that of the state. This has already had great influence in counteracting our wishes, would continue to throw impediments in the way of ulterior measures, and might at last kindle a serious flame between the states.

Alexander Hamilton to Gov. Clinton, July [23] 1783.—Extract.†

It [the Vermont question] is a business in which nobody cares to act with decision. As intimated before, I much doubt the perseverance of congress, if military coercion should become necessary. I am clear that the only chance the legislature have for receiving any part of the revolted territory, is by a compromise with New Hampshire, and this compromise must originate between the States themselves. I hope the legislature will revise the late act for confirming the possessions of those who hold lands in that country. I am certain there are doubts upon the subject, and it were much to be wished such doubts did not exist. The present dissatisfaction of the army is much opposed to any experiment of force in a service where scruples of interest or prejudice may operate.

Gen. Hamilton's suggestion, (about the 14th of July 1783,) to relinquish the pretensions of New York as an alternative, was the prelude to his subsequent zealous and finally successful labors in bringing the controversy to a close in that mode. To no man does Vermont owe so much for that result as ALEXANDER HAMILTON; but other New York statesmen of that period—notably PHILIP SCHUYLER, JOHN JAY, and GOUVERNEUR MORRIS—aided much in so influencing public opinion in New York as to make that result possible. More of the opinions of Mr. Morris have been preserved than of any other New York statesmen except Clinton and Hamilton; and although his letters preceded 1783 in point of time, they covered all the phases of Hamilton's views in 1782-3, and began in 1778 where Hamilton ended ten years later, in the opinion that Vermont could hardly be retained by New York.

Gouverneur Morris to Gov. Clinton in 1778.—Extract.²

MOOR HALL, 4th March 1778.

Sir,—I take the liberty of writing to you upon a subject of the utmost importance to our State. By following so much of St. Paul's advice as

¹*Life and Writings of Gouverneur Morris*, by Jared Sparks. Mr. Sparks gave the month but not the day of the date, which probably was the 23d, as it has been ascertained that Hamilton wrote to Clinton on that day. It refers to a previous letter, supposed to be of about the 14th of the same month.

²Furnished to the *New York Herald*, in 1842, by Col. Beekman of Flatbush, N. Y.

Mr. Morris was a delegate from New York in Congress at the date of this letter, and from 1777 to 1780, in which body he served with great

to become all things to all men I find clearly from the very best authority that without nice management we shall certainly loose [lose] the State of Vermont. The Eastern States are determined that they shall not be oppressed to use their phrase. The prejudices of the people are against us so are their interests. Designing men take advantage of these circumstances to forward their own private views. 'Tis absurd to *reason* against the *feelings* of mankind. Neither is it much to the purpose whether our claim is *right* for if it be, the most which can be said for us is that we have *right* without *remedy*. What are their claims? Occupancy settlement cultivation and the Book of Genesis. What their plea? Their mountains their arms their courage their alliances. Against all this what can we produce? Why forsooth a decision of the King in council and a clause in the confederacy. How ridiculous for wise men to rear any edifice of hope upon so slender a foundation. But how are we to act? to give them up? No! We must go to the mountain if the mountain won't come to us. They complain that the capital is too far off: carry it nearer not merely for their sakes but for our own. They complain of our impeachment of their title. Give them good title; we want *subjects* not *land*. They complain of the quit rents: abolish them. We can't have more of a cat than the skin. A *good* government, a *free one* I mean, will always command the wealth of its people. Hudson's river ensures us that of Vermont and Vermont ensures us Hudson's river. For Vermont must be fortified all over and vast magazines of military stores must be laid up in Vermont and when any body presumes to attack us from the eastward we shall know what to do. All this is not yet enough: you must apply to their feelings. Suppose for instance the legislature should take up the case of Vandyke, Ethan Allen and other our subjects [prisoners in the hands of the British at that date,] and make very pointed resolutions for the liberating of them. Suppose for his [Allen's] services and sufferings a part of [tory] Kemp's land should be given to him and that part if any such there be which eastern gentlemen claim. Apply yourself to Warner's weak side. Baily [Jacob Bayley] is still a considerable man among them. Let splendid acts of justice and generosity induce these people to submit early to our dominion for prejudices grow stubborn as they grow old. This business my dear sir hath long pressed upon my mind with a weight and impression which I cannot describe. It is under heaven the great thing needful to us and though I laugh whenever Vermont is named yet I could almost use the poetical language intended for another occasion and say "tis laughter swelled with bursting sighs."

Jared Sparks gave extracts of other letters of Mr. Morris on Vermont, in the first volume of the *Life and Writings of Gouverneur Morris*, introducing them as follows :

It is to be presumed, that the New England members [of the Continental Congress] generally, for wise political reasons, preferred that Vermont should become an independent State; but from the sketch of a

ability and tireless industry. His liberal views as to Vermont were in part the cause of his dismissal by New York in 1780, when he removed to Philadelphia and acted as colleague with Robert Morris in the financial department of the continental government. Subsequently returning to Morrisania, N. Y., he died there on the 6th of November 1816. He is ranked among the most eminent orators and statesmen of his day.— See *Drake's Dictionary of American Biography*.

debate on the subject, preserved in Mr. Morris's handwriting, it appears that they did not avow this ground openly. Roger Sherman, who was thought secretly to encourage the Vermont party, declared in this debate that Congress had no right to decide the controversy, that the confederation was not complete, and if it were, they could do no more than act as mediators, that Vermont ought to be heard in the case as well as New York, that if both parties left it to the decision of Congress, after a full hearing, it might then be taken up with propriety, that the people of the Grants were never subject to New York by their own consent, that when independence was declared they were as much included in the declaration as any other persons in the United States, and if they now had any differences to settle with their neighbors, it did not belong to Congress to interfere. Mr. Gerry maintained nearly the same doctrine, denied the power of Congress to intermeddle, regarded the inhabitants of Vermont as *extra provincial*, who, as such, might set up for themselves, and believed an arbitrary decision by Congress would give fresh discontent and increase the difficulty. Some of the southern members accorded with these sentiments; and argued that nothing could be done at any rate, without definite instructions from the several States.¹

¹ The debate here alluded to was on the resolutions of Congress as to Vermont, June 30 1777.—See Vol. 1, pp. 396, 397. In a letter from the New York delegates to their Council of Safety, dated July 2 1777, they stated that the greater part of four days was spent in considering the subject, and that “no debate was ever conducted with more deliberation and solemnity.” The letter recommended that commissioners should be dispatched at once to commend the resolutions and plead the cause of New York in the insurgent district. “This appears to us the more necessary,” they say in conclusion, “as Mr. Roger Sherman of Connecticut, who brought in the petition for those people to Congress and has all along acted openly as their advocate and patron, and in the last debate plead their cause with a zeal and passion which he never discovered in any other instance, and which in a judge between a State and some of its own members, was far from being commendable. This gentleman, we say, immediately on passing the resolutions, procured copies, and having obtained leave of absence, is already set out on his journey to the eastward. What may be his views with respect to our dispute, we know not, but to his enmity and officiousness you ought not to be strangers.”—H. Hall's *Early History*, pp. 252, 253.

This allusion to Mr. Sherman calls for a recognition of the debt which Vermont owes to him, and to Connecticut. Mr. Sherman's favor to Vermont at a later date is shown by the following letter:

*Roger Sherman of Conn. to Josiah Bartlett of N. H.**

PHILADELPHIA July 31, 1781.

Sir,—Enclosed is a copy of an Act of the General Court of Massachusetts respecting the State of Vermont.† The matter has been debated for several days past in Congress, on a report of a Committee to whom

* *Historical Magazine*, N. Y., Vol. vi, pp. 277-279.

† Resolution of March 8 1781, conditionally relinquishing her claims to part of Vermont.—See Vol. 11, p. 199.

From some circumstances it may be inferred, that Mr. Morris's views did not differ widely from those just enumerated.

Mr. Morris to John Jay.—Extract.

He wrote to Mr. Jay: "Vermont is yet Vermont, and I think no wise man will pretend to say when it will cease to be so. The local situation of that country is critical, and there are in it some ardent spirits, whose termigant quality has been too little attended to. Strange that men, in the very act of revolting [Congress revolting against Great Britain.] should so little consider the temper of revoltors. But this is eternally the case. We can reason well in our closets about past events; we come out into the world and act blindly; we look towards the future and are bewildered."

Mr. Morris to Gov. Clinton.—Extracts and Abstract.

To Gov. Clinton he also wrote: "I wish the business of Vermont were settled. I fear we are pursuing a shadow, with respect to that matter,

was referred a Letter from the President of your State. The Committee reported as their opinion "that Copies of the act of Massachusetts be sent to the States of New Hampshire and New York, and that the expediency of passing similar acts be referred to them. And in case they relinquish their claims of Jurisdiction over the Grants on the West Side of Connecticut River, Bounded East by said River; North by Latitude forty-five Degrees; West by Lake Champlain; and the west lines of several Townships, granted by the Governor of New Hampshire, to the North West corner of Massachusetts; and South by the North line of Massachusetts; Congress will guaranty the Land & Jurisdiction belonging to the said States respectively, lying without the said limits, against all claims and Encroachments of the people within those limits." What will be ultimately done in Congress is uncertain. Some Gentlemen are for declaring Vermont an Independent State; others for explicitly recommending to the States aforesaid to relinquish their claims of Jurisdiction; others, only for referring it to their consideration as reported by the Committee, and some few are against doing any thing that will tend to make a new State.

I am of opinion that a speedy & amicable settlement of the Controversy would conduce very much to the peace and welfare of the United States; and that it will be difficult, if not impracticable, to reduce the people on the east side of the River to obedience to the Government of New Hampshire, until the other dispute is settled. That the longer it remains unsettled, the more difficult it will be to remedy the evils. But, if the States of New Hampshire & New York would follow the example of Massachusetts, respecting the Grants on the west of Connecticut River, without waiting for a recommendation of Congress, the whole controversy would be quieted, very much to the advantage and satisfaction of the United States, and that the Inhabitants of New Hampshire and New York, living without the limits of the disputed territory, would return to their allegiance.

The British esteem it an object of great importance to them, to engage the people of Vermont in their interest, and have accordingly instructed Gen. Clinton & Gen. Haldiman to use their best endeavours to that end. And tho' I don't think the people have any intention to come under the British yoke, or do any thing injurious to this Country, yet, if left in their present Situation, they may be led to take steps very prejudicial to the United States. I think it very unlikely that Congress can attend to the settlement of the dispute by a Judicial decision, during the War,

and every day I live, and everything I see, give to my fears the consistency of opinion. It is a mighty arduous business to compel the submission of men to a political or religious government. It appears to me very doubtful whether Vermont, if independent, would not be more useful to New York, than as the Eastern District." He added his belief, moreover, that the government of the State [of New York] would be more manageable, and greater benefits derived to the people, from a less extent of territory; that the security of a republic is the diffusion of knowledge, and the vigor and spirit of a common sentiment, which may persuade and animate every heart; that "the attempt would be more virtuous, and more honorable, to force cultivation through the barrier of a land monopoly, and to spread its influence over a hoarded wilderness, than vainly to subdue or acquire, or more vainly to covet, a wide dominion extensively useless."¹ These opinions were not relished by his friend, the Governor, nor by the other prominent characters in his own State. At a later period, in writing to Governor Clinton, he recurred to the same topics as follows.

"If I differ with you in sentiment on any occasion, it must be because we have a different view of the subject. Neither of us can be influenced by improper motives, especially on the present occasion. You speak of submitting cheerfully to the decision of Congress. Two questions arise here. Will Congress decide? Will the disaffected submit? When I had the honor of a seat in Congress, I knew tolerably well the sentiments and dispositions on those subjects.² Depend upon it, time has not given you any strength there. You certainly cannot dictate to them. When I say *you*, I mean the State, or if you please its delegates. Whether you have not even less influence is a problem, which I will not resolve.

"Again, the revolt has daily less in it of novelty, and mankind have a reluctance at shaking what looks like establishment. We contemplate

for though the parties were heard last fall respecting their claims, yet it cannot now be determined, upon the right, because there are many new members that were not then present.

I am credibly informed that a great Majority of the Members of the Legislature of the State of New York, at their last Winter Session, were willing to relinquish their claim to Jurisdiction over that district, and that they should be admitted to be a separate State, but the Governor, for some reasons, prevented an act passing at that time.

We have no news remarkable here. Paper Currency is very much at an end; some of the new Bills are bought & Sold, but Silver and Gold are the only Currency. The prices of Commodities are much fallen, many articles are as low as before the War. I send you two of the last newspapers, and am with Great Esteem & Regard,

Your Humble Servant, ROGER SHERMAN.

P. S. Since writing the foregoing, Congress have recommitted the report. New York delegates arrived to-day. They are instructed to move for a decision of the affair of Vermont.

The Hon. Josiah Bartlett Esq^r.

¹ The vigor of this home-thrust at the "land monopoly" of the New Yorkers was never exceeded by any Vermont writer; and this preference for the cultivated lands of free holders to the "hoarded wilderness" of non-resident landlords, proves that Mr. Morris was far in advance of most of his colleagues in the science of political economy.

² This shows that the letter was written subsequently to 1780.

effects, and seldom concern ourselves about causes. In a hundred years not above one American in a hundred will care about the tea act, or stamp act, or examine whether the declaration of independence was justifiable or unjustifiable. Further, the Congress have daily less weight and more embarrassments. It is needless to ask why, supposing the fact. The Congress, therefore, will not, I believe, make any decision. Indeed, if all other obstacles were removed, still a great question will remain. Can Congress interfere between a State and its subjects? Admitting, however, their *decision* in all its force, would it be obeyed? No more nor sooner than the pope's bull. What then remains? Just what is now before us, either compulsion or neglect. Either let these people alone, or conquer them. I prefer the latter, but I doubt the means. If *we* have the means, let them be used, and let Congress deliberate and decide, or deliberate without deciding, it is of no consequence. Success will sanctify every operation. Forty victims to public *justice* or *wrath*, and submission from the rest of the people, will convince every body. These are arguments, which are perfectly irresistible.

"If we have not the means of conquering these people, we must let them quite alone. We must continue our impotent threats, or we must make a treaty. If we let them alone, they become independent *de facto* at least. Hundreds will resort to them for different reasons. They will receive lands from them, and cultivate them under the powers which are. When the dispute is again renewed, these cultivators will I believe be better soldiers than logicians, and more inclined to defend their possessions, than examine their titles. If we continue our threats, they will either hate or despise us, and perhaps both. We shall thoroughly alienate their affections. They will become, in the unphilosophic language of politicians, our *natural* enemies, and always prove a most troublesome and disagreeable neighbor. On the whole, then, my conclusion is here, as on most other human affairs, act decisively, fight or submit—conquer or treat."

Here, wrote Mr. Sparks, the idea of a power in Congress to decide the controversy is abandoned. Indeed this idea gradually lost ground on all hands, and the New Yorkers began to talk of force, and compulsory measures. But the prudent were willing to pause at the threshold of such a design.

APPENDIX C.

THE INSURRECTION IN WINDHAM COUNTY, AND ITS BEARING ON THE VERMONT QUESTION IN CONGRESS,—OCT. 1783 to OCT. 1784.

LEGISLATIVE ACTION ON THE INSURRECTION.

Notwithstanding the clemency authorized and offered by the General Assembly by the act of 25th Feb. 1783,¹ the offered pardon and release of Timothy Church by a special act,² and of Timothy Phelps on the 24th of June,³ the adherents to New York in Windham County were not disposed to submit to Vermont. Encouraged by the resolutions of Congress of Dec. 5 1782 to expect aid from that quarter, and by the advice of Gov. Clinton, June 24 1783, to the lately pardoned Church to call out his regiment and resist the execution of the Vermont laws,⁴ they boldly avowed their purpose to resist, and the fears and passions of the two parties in the county were so roused that peace and social order were at an end and the usual avocations of the people neglected.⁵ One of the first duties of the Vermont government at the October session of the General Assembly was to meet this exigency.

From the *Assembly Journal*, Oct. 11 1783:

Arrangement of business for the session:

3^d.—That some effectual measures be taken to quiet the present Disorder in the Southern part of Windham County.

6th.—That the Militia be put under proper Regulations for the Defence of this State.

Resolved that Wednesday next be assigned for [a meeting of] this House with the Council in a Grand Committee of the whole to take into Consideration the 3^d. Article in the foregoing report.

Resolved that a Committee of five be chosen to join a Committee from the Council to take into Consideration the 6th. Article in the preceding Report, and to prepare and bring in a Bill for the Purpose therein

¹ *Ante*, p. 270.

² *Ante*, p. 268.

³ *Ante*, p. 22.

⁴ *Ante*, p. 279.

⁵ *Eastern Vermont*, pp. 498-501.

mentioned. Committee chosen Mr Ormsby, Mr Marvin, Mr Underwood, Mr E. Curtis and Mr Lovell.¹

Oct. 15.—Resolved that his Excellency and Hon^{ble}: Council be requested to join this House in Grand Committee upon the Business of quieting the Disorders prevailing in the Southern part of Windham County.

IN GRAND COMMITTEE, Oct. 15 1783.

His Excellency the Governor and the honorable Council joined the General Assembly in Grand Committee upon the Business of quieting the Disorders prevailing in the southern part of Windham county, and after some time spent therein adjourned until the Committee shall be called together by his Excellency.

Oct. 18.—The Grand Committee being called together by his Excellency the Governor upon the Business of quieting the Disorders prevailing in the Southern part of Windham County agreed upon a Bill for that purpose & to report the same to the Legislature.

A Bill was also presented to the Grand Committee by a Sub-Committee appointed by them, for the purpose of quieting ancient Settlers; which being read the Consideration thereof was postponed until Tuesday [Wednesday] Morning next.

Then the Grand Committee adjourned until Tuesday [Wednesday] morning next.

Oct. 22 1783.—The Grand Committee consisting of his Excellency the Governor the Hon^{ble} the Council and General Assembly, reported—that to enable the civil Authority to exercise their Offices in the southern part of the County of Windham, and to suppress an Insurrection in the said County, a military force be forthwith raised to assist the said civil Authority, for the term of six Months, unless sooner discharged. That it consist of one hundred men, well officered and equipped for War.—That Col. Benjamin Wait be appointed to command said men.—That their pay be as follows per Month:

Col ^o . Wait,	£20-:-0-:-0	Serjeant,	£3-:-10-:-0
Major,	£13	Corporal	
Captain,	£10	Drum & fife,	£3-:- 5-:-0
Lieutenant,	£ 7	Soldier,	£3

That the Pay of the Commissioned Officers commence from the time of their receiving Orders, and the non-commissioned Officers and Privates from the time of their Enlistment. That General Fletcher be requested to order his Brigade to hold themselves in readiness to assist in the said Service.

That General Fletcher, with the Advice of the Officers commanding said Troops, augment or dismiss said Troops as Circumstances may require.

That the Troops furnish themselves with arms.

That the Commissary General be directed to furnish the Troops with Ammunition, Provisions, and a necessary allowance of spirituous Liquors.

That one Company of said troops be from Col^o. Wait's Regiment, and the other Company from Col^o. Bradley's Regiment—and that the Officer commanding said Troops appoint the other Officers.

Which Report being read was accepted and Ordered that a Bill be brought in thereon.

The said Grand Committee further reported, That in Addition to the measures above reported, the Captain General give Instructions to Col^o.

¹ Messrs. Olcott and Fletcher were joined from the Council.

Wait and the Officers commanding the Troops ordered to be raised purporting that it is not the Intention of Government to be severe with those who have heretofore opposed—provided they submit.—That the Officer commanding be instructed to give special Orders to the Troops under his Command not to meddle with the persons or Property of any who quietly submit to this Government.

That all those who do voluntarily submit and take the Oath of Allegiance to this State before they are arrested by any Officer, shall not be prosecuted on the part of the freemen of the State till the rising of the next Session of the Legislature: and that they engage then to pass an Act of Pardon in favor of so many as will submit as aforesaid and petition for that Purpose.

That the sense of the Committee of both houses be taken whether it will not be advisable for the Governor and Council to remit any Fines heretofore laid on those who have opposed this Government in the County of Windham, provided they submit to Government and petition for the same.—That those People be further informed that with respect to any Losses they may have sustained by Confiscation or otherwise in their Opposition to this Government their only way for relief is to submit to Government and petition the Legislature for a Compensation.

Which report being read, was accepted.

An act was passed in accordance with the foregoing report.¹

Oct. 23.—The Grand Committee consisting of the Governor Council & Assembly, reported the following Resolution viz^t

Resolved, That his Excellency the Governor be and is hereby requested as soon as may be to issue his Proclamation offering a free and ample Pardon for all offences committed against this State by any or either of those persons in the Southern part of Windham County who have heretofore opposed this Govern^{mt} and shall take an Oath of Allegiance before any Justice of the Peace within thirty days after the Promulgation of said Proclamation.

Which being read was accepted.

While the General Assembly was in session at Westminster, Charles Phelps of Windham County, who had subjected himself to severe penalties of the law and was a chief offender, appeared at Walpole, N. H., opposite Westminster, and sent a request for a passport to visit the General Assembly. On the 21st of October a resolution was passed requesting the Governor to grant a passport, "under such restrictions as his Excellency shall think proper:" and on the same day the Governor complied, declaring that "liberty is hereby granted to Charles Phelps, Esq., to pass unmolested from Walpole to said Assembly now sitting at Westminster, there to remain during my [his] pleasure, then to return from thence to said Walpole; and all persons in this State are to take notice hereof and govern themselves accordingly."² Thus the conciliatory disposition of the Vermont authorities was tested previous to any movement of the force against the insurgents in Guilford. A considerable number of the adherents to New York, particularly in Halifax, availed themselves of the offer of pardon.³

¹ Slade's *Vermont State Papers*, p. 476.

² See *ante*, p. 30.

³ *Eastern Vermont*, p. 503, note.

THANKSGIVING FOR PROVIDENTIAL AID IN THE REVOLUTIONARY
WAR, AND PRESERVATION OF THIS STATE FROM THE
MACHINATIONS OF DESIGNING MEN, &c.

IN GENERAL ASSEMBLY, October 14th. 1783.

Resolved, that the *second Thursday* in November next be set apart as a Day of Public Thanksgiving to Almighty GOD, and that His Excellency the Governor be requested to issue his Proclamation for the due Observance thereof.

Extract from the journals, LEM. CHIPMAN, Clerk [*pro tem.*] ¹

BY HIS EXCELLENCY

THO. CHITTENDEN, Esq;

*Captain General, Governor, and Commander in Chief, in and over the
State of Vermont,*

A PROCLAMATION.

THE Supreme Governor of the Universe, having been pleased, in his righteous and merciful Providence, to afford us, his People, various Manifestations of his Goodness, giving us Occasion to rejoice and give Thanks at the Remembrance of his Loving-Kindness; it becomes us, at all Times, to devote ourselves to him, and with due acknowledgments to render Praise to his Name; especially at the present Era, when, notwithstanding our Provocations and Unworthiness, he is affording us distinguishing Expressions of his Faithfulness, putting a happy Period to our late Distresses, and doing great Things for us—WHEREOF WE ARE GLAD.

I HAVE therefore thought fit, by and with the Advice of the Council, and at the Request of the General Assembly of this State, to appoint, and I do hereby appoint THURSDAY the Thirteenth Day of November next, to be observed as a Day of public Thanksgiving and Praise to Almighty GOD: And I do hereby call upon and strictly require all Persons, of every Denomination, residing within this State, duly to observe and keep said Day, that we may, with united Hearts and Voices, gratefully acknowledge the abundant Goodness of our GOD, in the repeated Tokens of his Mercy towards us: That he has preserved so many of our Lives the Year past, and blest us with such Enjoyment of Health in our Dwellings: That in the Course of the late War he has afforded the Interposition of his Providence, in our Protection from a powerful Enemy, when we were few in Number, and destitute of human Aid—preserved this State from the Machinations of designing Men—been pleased to own our just Cause, preserve our Liberties and Independence, direct our Councils, bless the Administration of civil Government, and preserve so much Unity and Peace among ourselves: That he has blest the Labour of our Hands—given us a competent former and latter Harvest: That he has been pleased to afford us in our Land a happy Issue from the Distresses of War—so ruling the Councils of the late belligerent Powers, as to cause a Cessation of Hostilities, and a delightful Prospect of the Settlement of Peace upon an equitable, honorable, and lasting Basis: That we are favoured with a preached Gospel in our Land, manifesting that GOD has Purposes of Mercy and Goodness towards us: That he has filled our Hearts with Gladness, and crowned the Year with singular Expressions of his Loving-Kindness and tender Mercy.

¹Council Journal, Oct. 16 1783.

And at the same Time humbly to implore the Divine Favour, that GOD would graciously continue to us the Blessings we enjoy, and remove the Calamities which yet attend us—turn us from our evil Ways—bless all Orders of Men—bless the Administration of civil Government in this State—bring forward its Settlement—bless the Means of Grace—raise up and Send faithful Labourers into his Harvest—Succeed the Means of Education—cause that a lasting and increasing Harmony may subsist between this and the United States of *America*—prevent new Out-Breakings of War in *Europe*—greatly exalt the peaceable Kingdom of JESUS, that the Distresses of War may come to a final End, and the whole Earth be filled with his Glory.

All servile Labour is forbidden on said Day.

Given under my hand, in the Council Chamber, at Westminster, this 16th Day of October, 1783.

THO. CHITTENDEN.

By his Excellency's Command,

LOT HALL, Sec. Pro Tem.

GOD save the PEOPLE.¹

ELECTION OF DELEGATES AND AGENTS TO CONGRESS—1783.

From the Assembly Journal:

Oct. 17 1783.—Then proceeded by Ballot to chuse Delegates to represent this State in the Congress of the United States. When the Hon^{ble} Moses Robinson, Esq^r, the Hon^{ble} Isaac Tichenor Esq^r, His Honor Paul Spooner Esq^r, The Hon^{ble} Ira Allen Esq^r, and Stephen R. Bradley Esq^r, were duly chosen according to Constitution.

Oct. 26 1783.—Then proceeded with the Governor and Council, to elect Agents to attend the Congress of the United States when the same shall be necessary—when the Hon^{ble} Moses Robinson, Isaac Tichenor and Paul Spooner Esq^{rs} were duly chosen.

IN ASSEMBLY, Oct. 26 1783.

Resolved that His Excellency the Governor and the Hon^{ble} the Council be empowered and requested to give Instructions, on behalf of the freemen of this State, to the Agents appointed to negotiate and transact the business of this State at the Congress of the United States, if their attendance should be necessary before the next session of this Assembly.

The distinction between *Agents* and *Delegates* was this: the first were to negotiate for the admission of the State to the Union, and the last were to represent the State in Congress when admitted. Sec. 10 chap. II of the constitution required an election of *Delegates* by ballot by the General Assembly; but the custom was to elect *Agents* in a committee of the whole of the two Houses.

A RETALIATORY ACT AGAINST NEW YORK.

The Assembly passed, and on the 23d of October 1783 the Governor and Council concurred in the following act:

¹ From the *Vermont Journal*, October 23 1783.

AN ACT to prevent the inhabitants of New-York being allowed greater privileges within this State, than the inhabitants of this State are allowed within the State of New-York.

Whereas, by an act of the Legislature of the State of New York, no person or persons belonging to this State, are permitted to commence any suit or action at law, within the jurisdiction of New York, for the obtaining of their just rights, unless they acknowledge the jurisdiction of said State, so far as to take an oath of allegiance to the same.

Therefore,

Be it enacted, &c. that no person or persons, being an inhabitant or inhabitants of, or residing within the jurisdiction of the State of New-York, shall, within the time of his, her or their residence as aforesaid, commence any suit or suits at law, within the jurisdiction of this State, against any inhabitant or resident thereof, for any civil matter or contract, until the Legislature of said State of New-York shall allow the inhabitants of this State full liberty to commence the like suits within their jurisdiction, and without any such lets or hindrances.

SUPPRESSION OF THE INSURRECTION IN WINDHAM COUNTY.

Between the adjournment of the Legislature on the 23d of October 1783 and the February session of 1784, the civil powers of the State, aided by the military *posse*, were rigorously and successfully used. Nov. 16 1783 a party of a dozen Yorkers assaulted the house of Luke Knoulton of Newfane, forcibly entered, and captured Knoulton, and conveyed him into Massachusetts. Gen. Samuel Fletcher immediately ordered out a military force for a pursuit, which was rendered unnecessary by the release and return of Knoulton. The civil power was then brought to bear upon the captors by Gen. Fletcher as magistrate, and three of them were quickly arrested. An attempt to arrest the leader at Brattleborough, Dec. 1, was forcibly prevented by the adherents to New York; and on the same day, at Guilford, another party of Yorkers, among whom was Charles Phelps of Marlborough, captured and carried away, "to his great damage." Benjamin Carpenter, formerly Lieutenant Governor of the State. After these events, forbearance toward the leading insurrectionists ceased to be a virtue, and William Shattuck (then under sentence of death for treason, though permitted to reside on his farm,) was arrested and imprisoned on the 25th of December. Charles Phelps (then under indictment for treason, though permitted to be at large,) was also arrested and imprisoned with Shattuck at Westminster; and Dec. 31, William Shattuck was removed to the jail at Bennington.¹

¹ Yesterday William Shattuck, one of the principal disturbers of the peace in the county of Windham, in this State, was safely confined in gaol in this place, who will doubtless soon meet the reward he has so long and so justly merited. Since the most lenient means prove ineffectual in quieting the insurgents in that quarter, the most decided measures is to be carried into immediate execution.—*Vermont Gazette*, Bennington, Jan. 1, 1784.

Terrified by these events, sixteen of the prominent adherents to New York met at Brattleborough, on the 6th of January, 1784, and addressed the following petition, through Gov. Chittenden, to the government of Vermont:

Whereas the exigencies of the people living in sundry of the towns on the Grants, viz., Brattleborough, Guilford, Hinsdale, and others, demand the most serious consideration of the virtuous citizens both of the subjects of New York and Vermont, and a zealous assiduity to come to some equitable and salutary measures to prevent all kinds of severity against each other, or any hostile measures which will finally bar the benevolent exertions of the subscribers in their humble address to the authority of Vermont:

Therefore it is most humbly prayed and earnestly desired by each of us, the subscribers, that the authority of Vermont would immediately release Major Shattuck and Esquire Phelps from their present imprisonment; also cease from acts of the like kind, and restrain the troops raised and to be commanded by Colonel Wait, from marching for the support of the government, until the rising of the next session of Assembly in February next, at which session of Assembly, the subscribers, who profess themselves to be subjects of New York, really intend by themselves or by agents appointed for that purpose, to make application to said Assembly of Vermont, for a general purification,¹ and an amicable settlement of past misunderstandings and things which have happened between the people claiming to be subjects of New York and Vermont, upon just and equitable terms, consistent with the rights of mankind, the constitution of Vermont, and the authority of the United States of America.

[Signed by] John Bridgman, Samuel Knight, John Houghton, Jonathan Hunt, William Biglow, Timothy Church, Henry Evans, Jotham Biglow, Orlando Bridgman, Francis Prouty, Edward Carpenter, Timothy Phelps, Hezekiah Stowel, Amos Tute, Elijah Prouty, Rutherford Hays.

Reply of Gov. Chittenden—Jan. 10 1784.

Gentlemen:—I received a request signed by you, which appeared to be designed for the consideration of the authority of this state. Viewing it to have come only from those in opposition to this government, it would not admit of an answer for many reasons which appear obvious from the tenor and style of your writing. I shall, however, inform you, my friends, of my sentiments respecting the matters contained in it. The prospects I have had, which are well known to you, since the rising of the Assembly, of a general submission, which was the only object of government, have been the only cause of the unexpected delay of the march of the troops.

I am very certain were the Assembly now sitting they would have no bargain to make with the people who have given us so much trouble without any object. I cannot say what might be done by them to prevent the march of Col. Wait's troops. This I can say, that nothing short of an immediate and universal submission can effect it.²

Of course Gov. Chittenden left the civil and military authorities to deal with all offenders, as before. Small detachments of militia were

¹ Thus in the copy. Probably the word written was *pacification*.

² *Eastern Vermont*, pp. 503-508.

actively employed at this period in searching for and seizing the arms and persons of the belligerent adherents to New York. Jan. 8 1784, Francis Prouty (the leader in the capture of Knoulton,) was seized and imprisoned; on the 9th the house of Maj. Henry Evans was entered, and arms and ammunition were seized, Evans himself being absent or concealed. The residences of two other offenders were also entered with like results. On the 10th, for the purpose of securing the submission of the Yorkers, and to put an end to the nocturnal visits of the Vermont militia, Stephen R. Bradley wrote the annexed official letter:

To the inhabitants of the town of Guilford and its vicinity, who have been opposing the government of Vermont.

I officially acquaint you, as Attorney-General for the freemen of the State of Vermont, that government wishes for your welfare as a people, and notwithstanding the coercive measures that are adopted, are willing to do every thing for you consistent with the welfare of government; and I now assure you, upon your desisting from your opposition, and returning peaceably to your families, your persons and property shall be protected; and in order for that, upon your certifying under your hands on your parole of honor to me, or to the sheriff of this county, or his deputy, or to Major Josiah Boyden of Fulham [Dummerston,] that you will not directly nor indirectly do any act or thing prejudicial to the State of Vermont, all prosecutions against any of you shall be no further prosecuted till the rising of the next General Assembly, when I trust you may meet with all desired lenity. I except nevertheless all persons who have been taken by the officers of government, and such as have been banished. What you do in this respect must be soon, as the matter is now become serious.¹

On the day the foregoing was written, warrants were issued for the arrest of three of the leading Yorkers, Henry Evans of Guilford, Eleazer Church and Nathaniel Chandler of Brattleborough. Church and Chandler were both arrested, and imprisoned at Westminster.

Jan. 16 1784, an armed party of Yorkers, commanded by Nathaniel Carpenter of Guilford, attacked the head-quarters of Commissary General Farnsworth and other civil and military officers of Vermont, at the inn of Josiah Arms in Brattleborough, wounding Maj. Boyden in the leg, shooting a traveller through the thigh, and capturing Constable and Ensign Oliver Waters.² In consequence of this renewed assault in spite

¹ *Eastern Vermont*, p. 509.

² *Same*, p. 510, 511. Waters was taken into Massachusetts, there ironed by "a huge weight of ill-shaped iron" fastened to his hands, and committed to two persons who were instructed to convey the prisoner to Poughkeepsie, the quarters at that time of Gov. Clinton. On the morning of the 17th, fifteen citizens of Halifax started in pursuit of the York party, and rescued Waters at Northampton on the 18th. They then arrested Timothy Phelps, whom they found at Hadley, and attempted to take him to Vermont; but on the 19th they were in turn arrested by the sheriff of Hampshire County, Mass., and were tried for

of proposed leniency, orders were at once issued (Jan. 17 1784) to the militia to assemble for active service—with what effect the following letter shows :

*Stephen R. Bradley to the Printers of the Vermont Journal.*¹

GUILFORD, January 24 1784.

No doubt the various reports which have gone abroad respecting the measures taken by government against the riotous body of men in this town who call themselves Yorkers, will leave you anxious of hearing the particulars.

On Saturday morning the 17th inst. I received by express from the Commissary General [Farnsworth,] intelligence, that a body of armed men to the number of about 20, the preceding night, had marched from Guilford to Brattleborough, and about the hour of 12 at night, had surrounded the house of landlord Arms, in said Brattleborough, and fired a number of balls into the house where were a number of travellers and others, and had wounded one or two men, and then by violence bursted into the house, and had taken and carried away Constable Waters, who had put up there that night, supposed with a design to take from him a quantity of money which he had been collecting on taxes; and that said body of men were commanded by one Daniel Ashcroft, and William White, of Guilford, who called themselves officers. I immediately sent the express to the high sheriff, who, very soon, made an official demand of 200 men from the *posse* to assist him in the execution of his office, in consequence of which, I issued orders for that number of men to march from this regiment, and to rendezvous at Brattleborough the next day at 8 o'clock in the morning. On the 18th the *posse* were mustered at Brattleborough, to the amount of 200 and upwards, where General Fletcher joined us on his way from Boston, and Lieut. Governor Spooner, who was on his tour to Bennington, to take his seat on the bench of the supreme court. On Monday the 19th, having received information that the whole body of Yorkers who were determined to oppose the collecting taxes, and in short, all government, were assembled at Guilford; we immediately marched the *posse* there, in order to reduce them to the obedience of the laws; upon our appearing in sight with the troops, that body of men betook themselves to flight without firing a gun. The militia were stationed at Guilford meeting-house till Wednesday the 21st, two days; in which time about 30 of that party came in, took the oath of allegiance, and delivered up their arms. Having previously been informed, that about 40 of those persons were assembled in arms near the south line of Guilford, upon the borders of the Massachusetts: whereupon I received orders from Gen. Fletcher, to take a detachment of 120 men, and proceed with the high sheriff and disperse them; having marched about three miles, we came in sight of landlord Packer's, who lived within half a mile of the south line, where we perceived a number of men turning out of the house and parading; by that time the *posse* had got within twenty rods of the Yorkers, they gave one fire upon our troops, without ever challenging or saying a word, and then retreated. I believe about 25 of their guns went off: the

riotous conduct and fined in the sum of £21 8s. The results were, that both Waters and Phelps were relieved from arrest, and the Halifax party was reimbursed by Vermont out of the property of Charles Phelps. —*Eastern Vermont*, pp. 511-513.

¹*Vermont Journal*, Feb. 18 1784.

posse rushed on with great resolution, but unfortunately they got over the line into the Massachusetts, before our troops could get up with them, having all the advantage of the ground. Our troops never discharged a gun till they had received about 15 shot from them. One brave man, Sergeant Silvanus Fisk, of Westminster, was very badly wounded in his body, but I hope will recover. Since that time several of their leaders have been taken and committed to gaol, and 'tis hoped will soon receive their just reward.¹

Jan. 22, Ethan Allen reached Guilford with ammunition, and three militia companies from Bennington county; but as the Yorkers had taken refuge in Massachusetts, the *posse* returned to Brattleborough, and was dismissed on the 23d, with the exception of a guard which conducted sundry prisoners to the jail at Westminster, and carefully watched them until their trial.

Feb. 3, the superior court met at Westminster, chief justice Moses Robinson presiding: Francis Prouty was convicted for the abduction of Luke Knoultou, and sentenced to imprisonment for forty days and pay a fine of £30; Charles Phelps, Abraham Avery, and Henry Evans, arraigned for the abduction of Lieut. Gov. Carpenter, were required to pay the costs of prosecution; Cyril Carpenter was alone found guilty of the offence last named, and was fined £20, required to give bonds for his good behavior, and stand committed until the judgment should be complied with. Several of the Yorkers were indicted for the affair at Guilford in January, the count mainly urged being that for wounding Fisk. Joseph Wells of Brattleborough plead guilty, and was fined £20 and costs, sentenced to prison for six months, and until the judgment should be discharged. On another indictment Wells was fined £30 and costs, and like imprisonment required. Elijah Curtis was fined £10 and costs, and Amos Yaw jr. £5 and costs. Edward and Asaph Carpenter, Shubael Bullock, Joseph Chamberlain, and David Thurber, and several others were fined in various amounts; others were dismissed on paying costs; and several of the complaints were withdrawn for want of proof. Charles Phelps was tried for the capital offences charged in 1782 against him, with Shattuck, Church, Evans, and Timothy Phelps. His plea was guilty, and he was adjudged attainted of treason, sentenced to sixty days' imprisonment, and a forfeiture of all his property to the State. The prisoners having been thus disposed of, parts of two companies, under Lieut. Elijah Knight and Capt. Benjamin Whitney, were stationed at Guilford and neighboring towns until the first of March. A party from this force, Feb. 20, invaded Massachusetts so far as to arrest Dan-

¹ Fisk was lingering in March, when the Assembly voted him £35 on account of his illness; but he died previous to October, when the State paid the balance of his claim. Joel Knight of Dummerston was slightly wounded. These were the only casualties of the *posse*. For an interesting account of this affair, more in detail, see *Eastern Vermont*, pp. 514-518.

iel Shepardson of Guilford, who had accepted a New York commission as magistrate; but otherwise, their service was to prevent the return to the State of those persons who had left it on the approach of the *posse*.

PROCEEDINGS OF THE GENERAL ASSEMBLY, FEB. AND MARCH, 1784.

From the *Assembly Journal*:

Feb. 20, 1784.—His Excellency the Governor with the Council came into the House and laid before the Assembly the following papers, viz.—

A letter signed by the honorable David Howell delegate from the State of Rhode Island to Congress, dated Princeton, Oct^r 6th 1783 directed to his Excellency Gov^r Chittenden—was read.

Copy of orders delivered by the Captain General to Col^o. Wait dated Oct^r 24th 1783—was read.

A letter signed Micah Townsend Esq^r. directed to his Excellency dated Nov^r 20th 1783—and a copy of his Excellency's answer dated Dec^r 9th 1783—read—likewise a copy of a letter signed by his Excellency of the same date directed to Col^o. Benjamin Wait—was read.

A letter signed by General Roger Enos and Col^o. Nathan Stone dated Dec^r 18th 1783 directed to his Excellency was read.

A copy of a letter signed by his Excellency directed to Joseph Farnsworth Esq^r. dated Dec^r 24th 1783 was read.

A letter signed by Col^o. Benjamin Wait directed to his Excellency dated Dec^r 18th 1783 also his Excellency's answer dated Dec^r 24th 1783—were read.

A letter or petition signed by a number of men in opposition to this Government dated Brattleborough Jan^y 6th 1784 directed to his Excellency—And his Excellency's answer directed to John Bridgman dated Jan^y 10th 1784—were read.²

A letter signed by Joseph Farnsworth Esq^r. Com^y. Gen^l. dated Jan^y 16th 1784 directed to Gen^l. Sam^l. Safford—and a letter signed by Gen^l. Safford dated Jan^y 18th 1784 directed to his Excellency—and a copy of

⁴ The following, from the *Vermont Gazette* of Nov. 27 1783, probably contains the substance of Mr. Townsend's letter :

BENNINGTON Nov. 27.

By a letter from a gentleman in Brattleborough, to his Excellency the Governor, we are informed, that Luke Knolton, Esq; was met on his way to Poughkeepsie in the State of New-York, guarded by one Shattuch, and Francis Prouty; that Mr. Knolton requested that no prosecution be commenced against those who took him until his return, which he expected would be immediately. By the same letter we are informed that Gov. Clinton has refused any further encouragement to the disaffected in Windham county, and advises them to pay their taxes to Vermont: In consequence of which, numbers have actually paid their taxes, and there is the highest prospect of their full submission to the Government of this State.

Dec. 8 1783, intelligence was received at Windsor that the inhabitants of Halifax, theretofore opposed to Vermont, were, almost to a man, paying their taxes, and appeared willing to aid in quelling the disturbers of the peace.

² See *ante*, p. 303.

his Excellency's order to Capt. Joseph Safford dated Jan^y. 18th. and 19th. 1784 were read.¹

A copy of a letter signed by his Excellency directed to Col^o. Benjaⁿ. Wait dated Jan^y. 19th. 1784—was read.

A letter signed by Joseph Farnsworth Esq^r. dated Brattleborough Jan^y. 29th. 1784 directed to his Excellency—was read.²

A letter signed Hugh McClallen date Colrain Jan^y. 22^d. 1784 directed to the officer commanding at Guilford—and a copy of an answer to said letter signed by his Honor Paul Spooner Esq^r. dated Guilford Jan^y. 24th. 1784—also two other letters signed by his Honor and directed to his Excellency both dated Jan^y. 25th. 1784—were read.

His Excellency the Governor and Council then withdrew from the House.

Discharge of the Posse.

IN ASSEMBLY: Feb. 24.—The following message from the Council was read—viz.—

“IN COUNCIL Feb^y. 24th. 1784.

The Council recommended to the Assembly to take into consideration the expediency of continuing the number of men now in Service at Guilford as it appears there is more in number than is necessary and to provide for their being dismissed. Attest, JOS. FAY Sec^y.”

Resolved that a Committee of five to join a Committee from the Council be appointed to take said message under consideration, and make report of their opinion to this House as soon as may be.—The members chosen M^r. [Gideon] Olin, M^r. Harmon, M^r. Sabin, M^r. A. Smith, [Abidah, of Pomfret,] and M^r. Bean.

A petition signed William Shattuck who is now in Bennington Goal praying for pardon &c. was read and refered to a Committee of five to join a Committee from the Council to take the same under consideration state facts and make report of their opinion to this House.—The members chosen M^r. Ormsby, M^r. Harris, M^r. Shumway, M^r. Lyon and M^r. Sabin.¹

IN ASSEMBLY: Feb. 25.—The committee M^r. Olin, M^r. Harmon, M^r. Sabin, M^r. A. Smith and M^r. Bean with the Committee of Council appointed to take under consideration the expediency of continuing the troops in Guilford &c. brought in the following report viz —

“That in their opinion 27 men officers included will be a guard sufficient to be stationed at Guilford for the time being, which guard to consist of one lieutenant, one ensign, two serjeants, and two corporals and 21 rank and file, and that the remainder of the State troops raised to assist the Sheriff of the county of Windham in executing the laws of this State be discharged as soon as may be; and that some person be appointed by this Assembly to proceed to Guilford with orders to direct what officers and soldiers shall remain in Guilford to compleat the guard as above said and to discharge the remainder of said troops.”

The aforesaid was read and accepted and thereupon,

¹ Capt. Safford commanded one of the three companies of reinforcements from Bennington county, which, with Ethan Allen, reached Guilford on the 22d of Jan. The letters here referred to, therefore, were in reference to this reinforcement.

² Mr. Brownson was joined from the Council, and March 1 an adverse report was made, leaving Shattuck to apply for pardon under the general act. See *post*, pp. 310, 311.

Resolved that brigadier general Sam^l Fletcher be and is hereby appointed and empowered to proceed to Guilford and discharge the State troops raised for the assistance of the Sheriff of the County of Windham in executing the laws of this State, except 1 Lieut., 1 ensign, 2 serjt and 2 corporals and 21 rank and file—and that it be at his discretion who to retain.

Clemency to the Insurrectionists.

Feb. 20.—A petition signed John Shepardon, William Bullock and David Stowell Selectmen of Guilford for 1781—setting forth that as the opposition to government in that town has been such that it has been out of their power to collect the provision tax granted in 1781 until very lately and that a considerable number of the then taxable inhabitants have moved out of the State, and that besides the twentieth part, which can be taken off by law, there remains the sum that was assessed on the grand list of £480 10—which they cannot collect, and praying that the said town might be credited that sum—was read and referred unto a Committee of three to take the same under consideration, state facts and make Report.

A like petition was presented from Brattleborough, and relief was granted to both towns, as had been previously granted to Halifax.

Feb. 26.—A petition signed Charles Phelps who is now in Goal in this town [Bennington.] praying that he may be released from confinement &c.—was read and refered to a Committee of five to join a Committee from the Council to take the same under consideration state facts and make report.—The members chosen Mr Walbridge, Mr Ward, Mr Knight, Mr Moredock and Mr Lomis.¹

A petition signed Joseph Tucker and 16 others praying for a compensation for their time expences &c. in pursuing and retaking Oliver Waters &c. was read and refered to a Committee of three to take the same under consideration state facts and make report. The members chosen Mr Knight, Mr Ward and Mr Lyon.²

Feb. 27.—The Committee Mr Walbridge, Mr Ward, Mr Knight, Mr Moredock and Mr Lomis with the Committee of Council appointed on the petition of Charles Phelps brought in the following report viz.—

“That said Charles Phelps be immediately discharged from his imprisonment, and that no part of the estate of said Phelps which hath been seized and confiscated by order of the supreme court be sold or disposed of until further order from this Assembly.”

The aforesaid report was read and accepted and Ordered that a bill be brought in accordingly.

A bill entitled “an act to discharge Charles Phelps from imprisonment” was read and accepted and sent to the Governor and Council for revisal and proposals of amendment.

IN COUNCIL: *Feb. 27.*—An act discharging Charles Phelps from Imprisonment, having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the affirmative.

And the said Charles Phelps, being admitted to a personal Appear-

¹ Messrs. Safford and Fletcher were joined from the Council.

² In the Council journal this is styled the petition of Oliver Waters. Mr. Allen was joined from the Council. Relief was granted out of Charles Phelps's property. See next page.

ance before the Council, did voluntarily take the Oath of Allegiance and Fidelity to the State of Vermont.¹

Feb. 28. Resolved that the State's Attorney for the County of Windham be and he is hereby directed to suspend collecting the Fines against the following persons until further order, viz. Cyril Carpenter, Edward Carpenter, Amos Yaw, jr., Shubael Bullock, Elijah Curtis, Asaph Carpenter, Joseph Chamberlain, and Daniel Thurber.²

IN ASSEMBLY, March 4.—Col^o. Bradley moved that so much of the estate of Charles Phelps late confiscated by the Superiour Court might be sold as to defray the cost that has arisen in prosecuting said Phelps. Thereupon

Resolved that a committee of three to join a Committee from the Council be appointed to take said motion under consideration and make report of their opinion to this House.—The members chosen Mr. Moredock, Mr. Walbridge and Mr. Ormsby.³

Act authorizing Pardons.

IN COUNCIL: March 6.—An Act to enable the Governor and Council to pardon certain persons therein described, having passed the General Assembly, was received, read and concurred.

The act was as follows:

AN ACT to enable the Governor and Council to pardon certain persons therein described.

Whereas, certain persons in the county of Windham have traitorously taken up arms against, and otherwise opposed, the authority of this State; and it being suggested that many of such persons are penitent and desirous of returning to their duty, and that, probably, during the recess of this House, some, or all of them will petition for the pardon of their said offences.

Be it therefore enacted, &c. that his Excellency the Governor and the Honorable the Council be and hereby are invested with the same power and authority possessed by this House, upon application made to them, during the recess of the Legislature, upon such conditions as to them shall appear necessary and just, to pardon any of the inhabitants of Windham county, who have heretofore professed themselves subjects of the State of New York.

¹ The practice at that time was for the House to send its bills to the Governor and Council for proposals of amendment before the final passage. In this case the Council concurred in the bill without amendment, and the bill did not pass the House finally until the first of March—two days after Phelps had taken the oath of allegiance.

² See *ante*, pp. 306.

³ This was rejected. On the 5th of March, however, the sale of enough to raise £49 13s 11d was ordered, to reimburse Joseph Tucker for time and expenses in rescuing Oliver Waters, who had been captured by the York party and carried a prisoner on the way to Poughkeepsie. For this affair, in which Phelps's son Charles became mixed, see *Eastern Vermont*, pp. 510-513. On the 6th of March, Phelps's library was given to the committee on the revision of the laws, with an engagement to pay the committee for the same if the library should be restored to Mr. Phelps.—See printed *Assembly Journal*, pp. 47, 53.

IN COUNCIL: April 12. The petition of William Shattuck, now a prisoner in the gaol at Bennington, acquiescing in the Justice of his sentence to Banishment by the Honl. the Supreme Court of this State in Sept. 1782, and praying for Pardon, being received and read :

Resolved, that the said William Shattuck be and he is hereby pardoned, released, and indemnified from the said sentence of Court so far as it relates to his Banishment and Confiscation of Estate. And that the Sheriff of the county of Bennington be and he is hereby directed to release the said William Shattuck from his confinement on condition that he pay unto the said Sheriff £25 lawful money, costs of prosecution, or give sufficient security to the Treasurer of said State, payable within one year from this date, and pay and satisfy unto Mr. Nathan Fay, keeper of said gaol, for the expense of keeping said prisoner his just demands. And further that he the said William Shattuck enter into Bonds of One Hundred Pounds Lawful Money with Sufficient Sureties to the Treasurer of this State that he do not enter or presume to go into the County of Windham without Liberty therefor, first had and obtained from this Council.

Close of the Insurrection.

On the authority given to him by the Legislature, Gen. Fletcher selected Lieut. Elijah Knight as commander of the small guard at Guilford, which was retained in service but a few weeks. Only one unfortunate event occurred during that time. David Goodenough, a New York lieutenant, had once been imprisoned by Vermont, but released on heavy bonds, and finally ordered out of the State. On the 5th of March he attempted to return, and invited Daniel Spicer of Bernards-ton, Mass., to accompany him. Spicer had taken no part in the insurrection, and intended to take none; but he started with Goodenough. They had advanced about half a mile within the town of Guilford, when they were challenged by one of the Vermont guard and Lieut. Knight appeared with his force. Goodenough and Spicer attempted to escape; were pursued and fired upon, when Spicer was fatally wounded by two bullets. Lieut. Knight immediately wrote by a messenger to Gov. Chittenden, and strengthened his force by levies from the neighboring towns, in anticipation of an attack from the Yorkers, who were then in Massachusetts and might, under the spur of Spicer's death, possibly gain help from citizens of that State. Before the messenger returned, Knight became so alarmed by a report, which had been industriously spread, of "an army coming from Massachusetts to avenge the death of Spicer and reinstate the Yorkers," that he retreated in great haste to Brattleborough and summoned the militia to his aid.¹

Action on Lieut. Knight's Letter.

IN ASSEMBLY: March 8.—His Excellency the Governor laid before the House a letter signed Elijah Knight Lieut. Com^d dated Guilford March 7th 1784 directed to his Excellency—which was read, and Resolved that a Committee of three be appointed to take said letter under consideration and make report of their opinion to this House.—The members chosen Mr. Lyon, Mr. Barber and Mr. Wait.²

¹*Eastern Vermont*, pp. 528–532. The above is an abstract of B. H. Hall's account. For Lieut. Knight's account see letter of Gov. Chittenden to Gov. Hancock, on the next page.

²Ira Allen was joined from the Council.

March 9.—Mr. Lyon, Mr. Barber and Mr. Wait the Committee to whom was refered the letter of Elijah Knight Lieut. Comd^t brought in their report which was read and thereupon

Resolved that his Excellency be requested to write to the Gov^r of the Commonwealth of Massachusetts on the subject of the tumult in Windham County requesting him to grant warrants for apprehending such criminal persons as have or may flee from justice out of this State into that.¹

And Resolved that Gen^l Fletcher be and he is hereby requested to repair to the County of Windham and on examining into the circumstances of the disorder there, he is hereby empowered to call on the militia not only of his brigade but from other brigades in this State and dismiss the said militia when he shall judge best.

Also Resolved that the Commissary Gen^l be and is hereby empowered to collect and receive the provision due on the provision taxes granted in the years 1780 and 1781 in Windham County, and it is hereby recommended to the Selectmen and inhabitants of the towns in Windham County to pay the arrears of taxes in provisions.

And Resolved that the wages of the men to be raised for the Service mentioned in the aforesaid resolution be the same as the troops which have already been raised and ordered to repair to Guilford at the last session.

*Gov. Chittenden to Gov. Hancock.*¹

BENNINGTON, March 10, 1784.

Sir,—Your Excellency has undoubtedly obtained some information before this in regard to the disturbances which have for some time past subsisted in the county of Windham in the south-eastern corner of this State, occasioned by a few wicked persons who pretend to owe allegiance to the State of New York, and refuse to pay obedience to the laws and authority of this State. I am unhappy to inform your Excellency that a small number of your citizens, who live near and adjoining to them, give countenance and afford aid to them in their wicked and unjustifiable proceedings, by harboring them, and promising their assistance with arms, in case the dispute may require it. This government have, in several instances, had recourse to an armed force, to aid the civil authority in the due execution of their laws in the south-east corner of the county of Windham aforesaid, part of which force are now in Guilford and its vicinity. By a letter from the officer commanding these troops, I am informed, that from repeated threats, he had for some time expected a surprize, which occasioned him to be on his guard, and endeavour to defend himself, and defeat them in case of an attack; and that at 4 o'clock on the morning of the 5th instant, having received information that a force was approaching, the officer, with part of his men, formed an ambuscade about one mile northerly of the Massachusetts line; soon after two men made their appearance with fire arms, who coming within the distance of three rods of the ambuscade were hailed

¹ Vermont had delivered to Massachusetts Samuel Ely, a notorious offender against the peace of that State, and could fairly ask for a return of the courtesy. In fact, however, some of the Vermonters had encroached upon Massachusetts in the pursuit of their enemies, and it was politic as well as neighborly to arrange the matter.

² From the *Vermont Journal* of May 5, copied from a Boston paper of April 15.

and ordered to stand, upon which they presented their guns proper for firing; the commander aforesaid requested them not to fire, informed them they were surrounded with forty men, and would be cut to pieces; upon which the two men turned themselves about & ran; they were again hailed and commanded to stop, but refused, upon which the commanding officer ordered part of his men to fire, which order was obeyed, but without succeeding in the design of bringing them to; the commander then ordered a second fire, which being obeyed, one of the two men was mortally wounded, of which he expired in about four hours; the other made his escape. Unfortunately the man killed proved to be a citizen of your State, in company with one belonging to this, and who has for some time past taken refuge in that part of the Massachusetts State adjoining.

The man wounded, whose name has since been found to be Spicer, upon being questioned, refused to give any account of his design, but appeared, by his unbecoming language, to be a bitter enemy to government; his gun was examined and found sufficiently loaded with powder and ball. It appeared by his previous threats, that he had for some time past premeditatedly designed some outrage against the peaceable inhabitants of this State.

Agreeable to the request of the Legislature, & by the advice of my Council, I have endeavoured to give your Excellency a short, but fair stating of the circumstances of this affair, which I hope may prove satisfactory. And as acts of amnesty have been passed by the authority of this State, in favour of those few, who have pretended to owe allegiance to the State of New York, on condition of their peaceable submission to the authority of this State, I am induced from a knowledge of your Excellency's character, to request you to direct, that your citizens do not interfere in the dispute, either by arms, or affording succour to those insurgents.

The bearer, Mr. Smith, will be able to answer such questions as you may think proper to ask him on the subject, whom I beg leave to recommend to your favourable notice, & hope to receive an answer; and am Your Excellency's most obedient, humble servant,

THOMAS CHITTENDEN.

His Excellency JOHN HANCOCK Esquire.

Gov. Chittenden received in response a copy of a petition of Spicer's relatives to the General Court of Massachusetts; also of the proceedings of the Court thereon on the 25th of March; and a letter from Gov. Hancock, dated March 30, which covered the following proclamation:

COMMONWEALTH OF MASSACHUSETTS.

By his Excellency JOHN HANCOCK, Esquire, Governor of the Commonwealth of Massachusetts,

A P R O C L A M A T I O N .

Whereas an unhappy dispute has subsisted between some of the citizens of the state of New York, and the people inhabiting the territory called the New Hampshire Grants, or State of Vermont: And it being probable from the present disposition of the parties, that the same controversy may be recommenced to the great distress and calamity of all concerned therein, and there being great reason to fear that some of the citizens of this Commonwealth, who live on the borders of the said State of Vermont, may by incautiously intermeddling with the contention, involve themselves and families in that distress which is at all

times the consequence of civil dissensions, unless care is taken to prevent it.

I have therefore, at the request of the General Court, thought fit to issue this proclamation, commanding and enjoining it upon all the citizens of this Commonwealth, that in all and every controversy now existing, or that may hereafter exist between the citizens of New-York, and the people inhabiting the said State, or between any of them, in whatever form or manner the same may exist, they, the citizens of this Commonwealth, conduct themselves according to the strictest rules of neutrality, and that they give no aid or assistance to either party, but that those who live on the borders of the said State and within this Commonwealth, sell to either party, indifferently, such things as they have to sell, without giving preference to either; that they send no provisions, arms, ammunition, or necessities to a fortress or garrison besieged by either party.

And all the citizens and inhabitants of this Commonwealth, are absolutely and most solemnly forbidden to take arms in support of, or engaging in the service, or contributing to the conquest, success, or defence of either of the said parties, as they will answer it at their peril.

Given under my hand and the public seal of this Commonwealth, at Boston, this 26th day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the independence of the United States of America.

JOHN HANCOCK.

By his Excellency's Command,

JOHN AVERY, jun. *Secretary.*¹

Before this proclamation had been received, Gen. Fletcher had dismissed all the militia who had turned out to aid Lieut. Knight; and before the end of March had come, the lieutenant's company had also been dismissed. Gov. Hancock's proclamation served a valuable purpose in preventing any hostile movements of the insurgents who had taken refuge in Massachusetts. In fact the insurrection was at an end.

Act against Treason.

IN COUNCIL, March 2—An Act against High Treason having passed the General Assembly, was received and read; and on the Question to concur therein, it passed in the Affirmative.

The act was as follows:

AN ACT against high Treason and misprision of Treason.

Be it enacted, &c. that if any person or persons belonging to, or residing within, this State, and under the protection of its laws, shall levy war against this State, or the government thereof; or knowingly and willingly shall aid or assist any enemies at open war against this State, by joining their armies, or by inlisting, or procuring others to inlist into such armies; or by furnishing such enemies with arms, ammunition, provisions, or other articles for their aid and comfort, or by carrying on a treacherous correspondence with them; or shall form, or be any way concerned in forming, any combination, plot, or conspiracy, for the betraying this State into the hands or possession of any enemy, state or power: or shall give, or attempt to give, or send, any intelligence to any state or power for that purpose; or shall conspire or attempt any inva-

¹ From the *Vermont Gazette* of May 17 1784.

sion, insurrection, or public rebellion, against this State: every person so offending, and being thereof convicted before the supreme court, shall suffer death; and all his or their estate or estates, real and personal, shall be forfeited and sold to and for the use of this State.

And be it further enacted, that if any person or persons, belonging to, or residing within, this State, and under the protection of its laws, shall endeavor to join the enemies of this State, or use their influence to persuade or induce any person or persons to join, aid, comfort, or assist them in any way or manner whatsoever; or shall have knowledge of any person or persons endeavoring or using their influence as aforesaid, or shall have knowledge of any person or persons secretly conspiring or attempting any invasion, insurrection, or public rebellion against this State, or forming any secret combination, plot, or conspiracy, for betraying this State into the hands of any other power, and shall conceal the same; such person or persons, being duly convicted thereof before the supreme court of this State, shall be punished by fine, according to the nature and aggravation of the offence, and shall be imprisoned at the discretion of the said court, not exceeding ten years.¹

PROCEEDINGS IN CONGRESS ON THE VERMONT QUESTION, 1784, AND DOCUMENTS CONNECTED THEREWITH.

The Legislature of New York met on the 21st of Jan. 1784, in which there were three representatives from Vermont, to wit: William Shattuck of Halifax, Joel Biglo [Bigelow] of Guilford, and Elijah Prouty of Brattleborough—all of whom had been indicted in Vermont, and Shattuck had been banished. For more than two years the resistance to Vermont had been confined almost exclusively to citizens of these towns, and the insurgents did not in fact entirely control even there, as all these towns were represented in the legislature of Vermont. Indeed, previous to the action of New York, which is now to be recorded, the insurgents had been driven from the State, and Vermont actually was, in the words of Gouverneur Morris, “independent *de facto*.” Conceding, however, that even at that time there were many persons in Windham county who would have preferred to remain under the jurisdiction of New York if she could protect them, still it must be remembered that she was powerless. New York troops could not even reach the territory without passing through either Massachusetts, whose consent probably could not be had at that time, or through western Vermont, where they had met defeat at every attempt since the first at Bennington in 1769.

Action of New York, Feb. to April 1784.

Under these discouraging circumstances, as if borrowing courage from despair, New York renewed the conflict in Congress, under its old and adroit leader, JAMES DUANE, who on the 2d of Feb. 1784 presented to

¹ Slade's *State Papers*, p. 483.

the Senate a belligerent report, which was subsequently adopted by the Legislature on the 2d of March, in the form of resolutions, which are here given in chronological order.

Feb. 6, Timothy Phelps appeared before the Senate and testified to the mal-treatment he had received from Vermont, and produced a number of papers and depositions "relative to the disorders and violences committed on the well-affected citizens of the state residing in the north-eastern parts thereof, by persons under the authority of the usurped government commonly called Vermont." These papers were sent to the Assembly on the 7th and referred to a joint committee of both Houses. On the 13th, this committee, through Mr. Ford, made their report to the Assembly, recommending additional instructions to the delegates. On the 27th the Senate adopted both sets of instructions, and they were concurred in by the House on the 2d of March.¹ The instructions were as follows:

Instructions to the Delegates of New York in the Congress of the United States—[as per Duane's report.]

Resolved, That the Delegates be instructed to press Congress for a decision in the long protracted controversy respecting the right of this State, to the district commonly called the New Hampshire Grants; not on consideration of public expedience, but consistency with the assurances of Congress, according to equity. That they represent in the most pointed terms, the grievous injustice done to the State, by such delay, especially after a submission in compliance with the unanimous recommendation of Congress; and claim most expressly a performance of the most solemn engagement of Congress to make the said decision, on a pledge no less sacred than that of the faith of the United States, which ought not to be violated on any pretence whatever. That they likewise represent to Congress the danger which may arise from further procrastination. That the leaders in the district in question, have actually raised troops, and do now employ those troops to reduce other inhabitants resident in said district, and acknowledging themselves citizens of this State to submit to the said assumed government;² and that when every State ought to be in the blessings of peace, under the constitution of the union, this alone is in the disagreeable situation of having hostilities already commenced against its citizens. But that if she must recur to force, for the preservation of her lawful authority, the impartial world will pronounce that none of the bloodshed, disorder, or disunion, which may ensue can be imputable to this Legislature, who appeal to the journal of Congress for the rectitude, moderation, and liberality of the measures they have invariably pursued to produce an amicable determination of the controversy. And lastly, that they, if necessary, be most explicit on the subject, and inform Congress that this Legislature conceive themselves to be urgently pressed by the great duty of self-preservation, to prepare, without loss of time, for the worst

¹ *Eastern Vermont*, pp. 522-525; *Early History*, p. 432.

² When this resolution was adopted, March 2, Vermont had no troops employed excepting a small guard at the jail in Westminster, and twenty-seven men in Guilford; but these facts were not then known to the legislature of New York,

events. And however sincerely they are disposed to maintain the union, and to manifest an inviolable respect for Congress, if the decision which has so long in vain been solicited, should not be pronounced within two months, next after nine States shall be represented there, no further expectations can be entertained of such decision, and that this State, with whatever deep regret, will be compelled to consider herself as left to pursue her own councils, destitute of the protection of the United States, to whose judgment they have cheerfully submitted, and on whose justice they have hitherto relied.¹

That if Congress should delay the decision of said controversy, after the time above limited, it ought to be considered as a denial of justice. That the act, entitled "An act to empower the Congress of the United States of America to determine all Controversies relative to certain lands in the counties of Cumberland, Gloucester, Charlotte and Albany, commonly called the New Hampshire Grants," passed the 21st day of October 1779, ought to be repealed; in order that this Legislature may be left at liberty to propose an adjustment of the said dispute in the mode prescribed by the 9th article in the federal Union, or to take such other measures as the preservation of their country, from lawless invasion and encroachment, may require.²

Additional Instructions to the Delegates of New York in the Congress of the United States,—[as per Ford's report.]

That the said Delegates do also represent, that the Legislature of this State, to prevent the evils of civil discord, have besides a cheerful compliance with the recommendation of Congress, to submit the said controversy to their final determination, made many liberal concessions in favor of those claimants, particularly by a certain act entitled "an act for quieting the minds of the inhabitants of the North-eastern parts of this State," passed 14 April 1782.³

¹ This implied threat to withdraw from the union was not the first indiscreet resolution of the New York Assembly:

March 2 1782, the House resolved that until the affair with Vermont was adjudicated by Congress, they would furnish no further aid to Congress.—See *Gen. Schuyler's letters*.

The above is from ms. memoranda by Hiland Hall. In a letter to Gen. Washington, in *Washington Letters*, in the U. S. State Department, Vol. LIV, p. 358, dated March 6 1782, Gen. Schuyler stated that such a resolution had been adopted by the Assembly and sent up to the Senate, which did not concur.—*Vt. Hist. Soc. Collections*, Vol. II, p. 252.

² *Vermont Gazette* of April 3 1784. In the *Gazette*, the last section of the above resolution was preceded by the words "The committee further report it as their opinion." In fact this section, with the words just quoted, is the last part of Mr. Duane's report. The preceding section was the first part of his report, simply changed to a *resolution*.—See *Eastern Vermont*, pp. 522, 523. In an editorial of the number of the *Gazette* quoted, the foregoing instructions are characterized as "a mere New York puff," which "can have no other pernicious effect but that of filling the heads of a few old women with the dreadful apprehensions of raw head and bloody bones."

³ See Vol. II, pp. 392-394.

That although by this act the lands granted by New Hampshire and by the pretended State of Vermont were confirmed to the claimants, and even occupants without right were liberally provided for, and there was no exception or reserve, but in favor of the oldest patents in question, yet the opposition to the jurisdiction of this State was maintained, principally because, as has been suggested, the before mentioned act of the Legislature left unconfirmed to the said claimants, lands which they occupy in the said district of country, and which had been granted by letters patent *prior* in date under the seal of New York, and some of them as early as the latter end of the *last* and the beginning of the present century.

That notwithstanding the concession made on the part of this State, the said pretended government hath lately extended its claim, and granted lands far to the westward of any of the most westerly grants ever made by the government of the late colony of New Hampshire and have actually seized the lands so granted, although the same have long since passed to the citizens of this State, under the great seal of the colony of New York;¹ and further represent that many of the people in the tract of country within this State, commonly called the New Hampshire Grants, in order to support the Independence which they have assumed, have actually raised troops, and do now employ them to compel other inhabitants resident in the said district, and acknowledging themselves citizens of this State, to submit to the authority of the said assumed government.

That many of the citizens of this State residing in the said district have been imprisoned, loaded with irons and punished as traitors with the utmost severity; and others have been driven from their habitations, and have had their property confiscated, for no other cause than their attachment to this State, and that those unfortunate citizens have made earnest application to this Legislature for protection and redress.

That wise and decided measures ought to be pursued without loss of time, as well for the protection of our said suffering citizens, as for the peace and tranquility of the inhabitants of the said district.

That to afford another instance of the upright intentions of the government of this State, Congress be entreated to guarantee the concessions made on the part of this State, by the said Act of the 14th day of April 1782.²

¹ No. 5140 of the *Clinton Papers* is a letter from Col. Robert Cochran (formerly a famous opponent of New York) to Gov. Clinton, dated July 25 1783, in which he declared that "people from Vermont had come on in a forcible way to survey and Lot out the Lands" at Crown Point. Cochran himself seems to have been a trespasser there, as in this letter he asked for a grant. Doubtless he found other individual trespassers; but there is no evidence that the *government* of Vermont ever "claimed and granted" any land there. During the Western Union, however, there was a grant of land bordering "Lake Shalloon" [supposed to be Schroon,] but this was dissolved in Feb. 1782, with the Union, and the town of Marshfield was granted in lieu thereof. Possibly the allusion may have been to grants in Grand Isle county, but these were east of the deepest channel of lake Champlain.—See Vol. II, pp. 127, 128; and pp. 180, 200, of this volume,

² From ms. copy by Hiland Hall. For Ford's report, from which these instructions were derived, see B. H. Hall's *Eastern Vermont*, pp. 524, 525.

April 3 1784, the following resolution from the New York Senate was concurred in by the Assembly:

Resolved, That his Excellency the Governor be requested to transmit the Depositions of James Davidson and William White, respecting a murder and robbery committed in the North-eastern parts of this State, and sworn before the Chief Justice thereof, to the Delegates from this State. and to direct them to lay the said depositions before Congress.¹

It has been seen that Duane's draft of instructions intimated a probability of a resort to force, and a possible withdrawal of New York from the confederation, which would remove the obstacle in the sixth article to the use of force. This was treated in Vermont as a threat of war. Ford's instructions declared that "wise and decided measures ought to be pursued without loss of time, as well for the protection of our said suffering citizens, [in Vermont,] as for the peace and tranquility of the inhabitants of the said district." The next document is probably one of the "decided" measures then contemplated, though it can hardly be counted a "wise" one in view of the known "decided" opposition of both Washington and Congress. The authority of Vermont had been so thoroughly established in Windham county, that the militia New York had organized there was unavailable. Congress therefore must consent to the use of other troops, or a resort to force would be impossible: but this can hardly be accepted as the only motive for renewing a scheme which had been rejected by an almost unanimous vote of the States in Congress. The adoption of Hamilton's resolution, which Washington had suggested in the previous May, was a rejection of the proposition of New York; and on that, eight States voted in the affirmative, and one only in the negative. That decisive vote had been taken after much deliberation, and the objections to the New York scheme were fundamental. Of this Gov. Clinton was fully advised in the following passages of a letter from Hamilton in reply to Clinton's of Aug. 23 1783:

Questions naturally arose as to the true construction of the articles of confederation upon this head; questions as delicate as interesting, and as difficult of solution. On one hand, it was doubted whether Congress were authorized by the confederation to proceed upon the idea of a federal provision [of troops, &c.]; on the other, it was perceived that such a contrary construction would be dangerous to the union, including, among other inconveniences, this consequence—that the United States, in Congress, cannot raise a single regiment, or equip a single ship, for the general defence, till after a declaration of war, or an actual commencement of hostilities.

In this dilemma on an important constitutional question, and other urgent matters depending before Congress, and the advanced season requiring a determination upon the mode of securing the western posts, in case of a surrender this fall, all sides of the house concurred in making a temporary provision in the manner which has been communicated.

¹The depositions related to the death of Spicer, who, it was charged, had been robbed after he had been wounded and captured.

Other reasons were named by Hamilton, among them the great hardship to individual States, peculiarly circumstanced, if the whole burden of maintaining troops should be thrown upon them instead of the United States;¹ and these reasons induced Congress in 1784, and still again in 1785, to re-enact the measure originally reported by Hamilton. On this state of the facts, it is hard to conjecture any reason for renewing a hopeless request, other than the one already named, unless it be that a rejection of it by Congress would furnish another pretext for Duane's suggested withdrawal of New York from the union. Lest this be counted as an unkind reflection upon Duane's patriotism to the nation, the fact is cheerfully added, that afterward he zealously co-operated with Hamilton to secure the ratification of the constitution and union of the United States by New York, against the opposition of Gov. Clinton.²

Instructions to the Delegates of New York to ask for Troops.

Mr. Duane, from the Committee appointed to report instructions from the Legislature, to the Delegates from this State, in the United States in Congress assembled: made a report, which he read in his place, and delivered in at the table, where the same was again read, in the following words, viz.

Whereas the posts at present occupied by the British troops, in the northern³ and western parts of this State, may, on their evacuation, be seized by Savages, inimical to these United States; whereby the inhabitants of the frontiers may be exposed to great danger and distress. And whereas, by the sixth article of Confederation and perpetual union between the United States of America, it is declared, that no body of forces shall be kept up by any State, in time of peace, except such number only, as in the judgment of the United States in Congress assembled shall be deemed requisite to garrison the forts necessary for the defence of such State:

Resolved therefore, if the Honorable the House of Assembly concur herein, that the Delegates of this State be and they are hereby instructed to represent to the United States in Congress assembled: that this State deem it essentially necessary to make provision to garrison the said posts immediately on the evacuation thereof by the British troops: That therefore the said Delegates request the United States in Congress as-

¹ J. C. Hamilton's *History of the Republic*, Vol. II, pp. 555-560.

² *Same*, Vol. III, p. 483.

³ The word "northern" covered all the posts north of Albany to Crown-point at least on Lake Champlain, and probably to Point au Fer [Rouse's Point,] opposite Alburgh, which was then occupied by the British. Gen. Washington and Gov. Clinton visited the forts at Ticonderoga and Crown Point in July 1783.—See Irving's *Life of Washington*, Vol. IV, p. 433. Aug. 6 1783, Washington wrote to the President of Congress that he had himself made a tour as far north as Crown Point, and west to Fort Schuyler, to examine and facilitate operations for occupying the posts; had taken but preparatory steps for forwarding supplies; but should instruct Gen. Knox to forward ordnance and stores to Albany.—*Life and Writings*, Vol. 8, pp. 469-472.

sembled, to declare the number of troops which they may deem necessary for such garrisons. The said Delegates, at the same time, informing the United States, that it is the opinion of this Legislature, that a body of troops not exceeding five hundred rank and file, properly officered, would be adequate for the purpose aforesaid.

That the Delegates be further instructed to use their utmost endeavours, to prevent any further foreign loans, and to promote economy in the public expenditures. That they pay a particular attention to the instructions of the Legislature, to the Delegates, passed the fifteenth day of November, 1781, which are entered at large on the Journals of Congress.¹

The instructions referred to were on the Vermont question.—See Vol. II. pp. 364–367.

Action of Vermont in respect to Force, April 1784.

Notified of Duane's instructions to the New York delegates, by publication in the *Vermont Gazette* of April 10, Gov. Chittenden called a special session of the Council on the 12th, at which session William Shattuck was pardoned, and the following resolution was adopted :

Resolved that His Excellency the Governor be requested to address His Excellency the President of Congress on the subject of the proceedings of the Senate and Assembly of the State of New York of late with respect to a decision of the Controversy relative to the jurisdiction of this State.

April 24.—Messrs. DeWitt and Paine presented to Congress a written statement of the claims and demands of New York, in compliance with the instructions of the Legislature, which was referred to a committee consisting of Jacob Read of South Carolina, Roger Sherman of Connecticut, William Ellery of Rhode Island, Samuel Hardy of Virginia and George Partridge of Massachusetts.²

Through the forecast of the Governor and Council, this movement of New York in Congress was promptly met by the following sharp and strong letter :

*Gov. Chittenden to the President of Congress.*³

STATE OF VERMONT, ARLINGTON, April 26 1784.

Sir: With that respect for Congress which the citizens of this State have ever maintained, I beg leave to transmit to your Excellency the sentiments of the Council of this State, on the late proceedings of the Senate and Assembly of the State of New York respecting this State, that your Excellency may lay the same before Congress for their consideration.

On the 21st of October 1779 the Legislature of the State of New York passed a special law empowering Congress to hear and determine the controversy between that State and this, not upon the principles of the confederation, but according to equity; and on the 7th and 20th of

¹ *Vermont Gazette* of April 10 1784.

²*Early History*, p. 433; and *Vt. Hist. Soc. Collections*, Vol. II, pp. 414, 416.

³*Same*, p. 414.

August 1781, Congress proposed preliminaries of a settlement of the said controversy to this State, which were accepted and fully complied with by the legislature of this State at their session in February 1782.

The Legislature of the State of New York, in the November preceding (1781,) had spiritedly remonstrated against the preliminary settlement of Congress aforesaid, an extract of which remonstrance is as follows:

“Resolved. That in case of any attempt of Congress to carry into execution their said acts of the 7th and 20th of August last, this Legislature, with all due deference to Congress, are bound in duty to their constituents to declare the same an assumption of power in the face of said act of submission of this State, and against the clear letter and spirit of the second, third, ninth, and eleventh articles of confederation, and a manifest infringement of the same, and do therefore hereby solemnly protest against the same.”

But of late it appears the Senate and Assembly of the State of New York are again urging Congress to decide their controversy with this State. It seems they are willing Congress should settle the dispute as *they* have a mind, but not otherwise.

It appears from the late journal of the Senate of the State of New York, “That the delegates be further instructed to press Congress for a decision in the long protracted controversy respecting the right of this State to the district commonly called the New Hampshire Grants;” and further, “But that if she must recur to force for the preservation of her lawful authority, the impartial world will pronounce that none of the bloodshed, disorder or disunion which may ensue, can be imputable to this Legislature.” As to this *bloody proposition*, the Council of this State have only to remark, that Vermont does not wish to enter into a war with the State of New York, but that *she will act on the defensive*, and expect that Congress and the twelve States will observe a strict neutrality, and let the two contending States settle their own controversy.

As to the allegation of the State of New York against the conduct of this State in bringing a few malcontents to justice and obedience to government, whom they have inspired with sedition, I have only to observe that this matter has been managed by the wisdom of the Legislature of this State who consider themselves herein amenable to no earthly tribunal.

Before I conclude this letter I beg leave to remind your Excellency that it appears to the Council of this State improper that the States of New York and New Hampshire, who are competitors for the jurisdiction thereof, should vote in Congress on any motion which respects Vermont, and also contrary to the express resolution of Congress of the 24th of September, 1779, in the words following: “And that neither of the said States shall vote on any question relative to the decision thereof;” that is, relative to the independence of Vermont; although it appears from the journals of Congress that those claiming States have ever since voted on all matters in which the interest of this State has been concerned.

Sir: I conclude this letter with the satisfaction of reminding Congress that this State is still desirous of a confederation with the United States. I have the honor to be, etc.,

THOMAS CHITTENDEN.

His Excellency, the President of Congress.

Renewed Request of New York in Congress for Troops and Arms.

Congress in 1784 was reluctant to grant to New York the troops asked, and indeed refused to permit her to control any; but in June 1784 and

again in April 1785, ordered a force of seven hundred men to be raised for all the posts in the United States. These were not to be under the control of any State, but to be "subject to the order of Congress, and to the committee of the states [of their delegates in Congress] in the recess of Congress"¹—thus defeating any ulterior purpose of New York as to Vermont. Nevertheless Mr. Duane, Gov. Clinton, and the New York delegates persistently and urgently pressed their scheme upon Congress until its adjournment in June 1784, and avowedly with a view to an immediate use of the troops. The following additional instructions of New York were incorporated with the previous instructions of April 3, as a preamble to a motion of the New York delegates in Congress:

IN CONGRESS, *May 13 1784.*—A motion was then made by the delegates for New-York, in the words following: Whereas the legislature of the State of New-York have instructed their delegates in Congress as follows, to wit: [Here followed the preceding instructions to delegates of April 3, the paragraph as to foreign loans, &c. excepted,] "which request was accordingly made by the said delegates. And whereas it is a manifestly just construction of the said section and articles, [article six of the Confederation, section four,] that when the sovereignty of any state shall deem it necessary, in time of peace, to garrison forts for its defence, the troops are to be raised by and at the expence of such state, and that the number only is to be determined by the judgment of the United States in Congress assembled. *Resolved* therefore, That the application aforesaid was, and is constitutional and reasonable, and that the legislature of this state had, and have a right to a decision thereupon. That it appears by dispatches from the delegates of this state, that no such decision was made on the 9th day of the present month. That the proceedings of this legislature have already been greatly embarrassed for want of such decision; and as it is uncertain when the said United States will decide on the said request, and any further delay in prosecuting measures for the preservation of the fortresses on the frontiers of this state, *and the protection of its citizens,*² will be highly detrimental to this state; *Resolved* therefore further, That the delegates from this state be instructed to inform Congress, that the legislature cannot, consistent with the public safety, any longer delay measures for raising a body of troops for the purposes aforesaid; that such number will not exceed that stated in the recited resolution, as in the opinion of the legislature adequate for the purpose.³ That the said delegates do, without delay, press upon the said United States in Congress assembled, the just right of this state to the determination aforesaid, and entreat that it may be given without further delay."

The delegates for the State of New-York, in obedience to the aforesaid instructions, moved that it be resolved

¹ See resolution of Congress April 12 1785, in *Journals of Congress*, Folwell's edition, Vol. x, pp. 82, 83.

² The editor has italicised these words because, on the New York theory, they included the adherents to that State in Vermont.

³ The number asked by New York for her own use was five hundred men; whereas Congress in 1785 decided that seven hundred was sufficient for all the posts in the United States.

That for the purpose of garrisoning the forts within the state of New-York, necessary for the defence thereof, the state be allowed to keep up a body of troops or forces not exceeding 500 rank and file, properly officered. And on this the said delegates require the yeas and nays.

A motion was made by Mr. Gerry, seconded by Mr. Partridge, that the motion of the delegates of New-York be committed.

The yeas and nays being required by Mr. DeWitt of New York, all the States present voted aye, except New York no, and North Carolina divided.¹ The subject was then referred to Messrs. Stone of Md., Hand of Penn., Read of S. C., Mercer of Va., and Beatty of New Jersey. On the 31st of May, the committee reported a resolution authorizing New York to raise men, without specifying the number, "for the purpose of garrisoning such posts within the said state not possessed by the forces of the United States, as the said state shall judge proper, which troops so to be raised by the state of New-York, shall be discharged whenever the United States in Congress assembled, shall so direct;" and the next day was assigned for consideration of the report.

June 1, instead, however, of considering that report, the delegates from New York attempted to get action on another, in response to a letter from Gov. Clinton, asking for ten hundred and fifty muskets, two howitzers, and accoutrements, to replace the like number belonging to New York, which had been retained by Gen. Schuyler for the use of the continent. On this the committee reported, after reciting the facts alleged, that

Your committee are of opinion, that the state of New-York has a just claim on the United States for these muskets, bayonets, and equipments; but as they presume, that arms and accoutrements have been furnished by other states to arm the troops of the United States, and it cannot be known, whether there is a sufficiency remaining in the public stores, to replace the whole number supplied by the several states, until returns of the arms so furnished, shall have been made, and as in their opinion, equal justice should be extended to all, they submit the following resolutions: That the secretary in the war-office, and the commissary of military and ordnance stores, be, and they are hereby ordered to ascertain and report to Congress, without loss of time, the precise number of muskets, bayonets and accoutrements, which have been furnished by the different states, for the use of the United States, in the course of the late war: That as soon as Congress shall be informed of the number of arms and accoutrements furnished by the several states, to the United States, the arms and accoutrements so furnished, shall be returned in kind and equal value, if a sufficiency for this purpose can be spared from the public stores: and that if a sufficient number cannot be spared, a just proportion of what can be spared, shall be returned to the states respectively, and credit given them for the value of the remainder: That the commanding officer of the troops in the service of the United States be, and he is hereby directed to deliver to the order of his excellency the governor of the state of New-York, two howitzers, of equal value with those lent by that state to the United States.

¹*Journals of Congress*, Folwell's edition. Vol. ix, pp. 150-152.

The New York delegates moved that a pending question be postponed, in order to take up the forgoing report: New York voted aye; New Hampshire was divided; and the other states voted no.

The New York delegates then moved to postpone the pending question, for the purpose of taking up another, relative to a rule of Congress. The previous question was ordered on this motion, when the New York delegates moved to postpone until the next day. A question of order was moved, whether the motion to postpone was in order, and it was rejected, five states only voting aye.

The New York delegates raised still another question: "Can a member be out of order for making a motion conformable to some rule of the house?" and moved to postpone a pending question for the purpose of considering this; which was rejected, New York alone voting aye.

On the same day, Mr. Monroe moved that Gen. Knox be directed to order three hundred and fifty troops, "now in the service of the United States, to march immediately, to be in readiness to take possession of the western posts." This was a temporary provision, to await the raising of seven hundred troops, under the direction of Gen. Knox. The New York delegation moved to amend, by inserting after the words "western posts" the words *except Oswego and Niagara*, the effect of which would be to leave still to New York a ground for asking authority to raise and control her own troops. New York alone voted for this amendment, all the other states voting in the negative.¹

The motion of Mr. Monroe was again considered on the 2d of June, when the New York delegates moved to postpone it for the purpose of taking up the resolution allowing New York to raise troops, which had been reported by the committee on the 31st of May. On this motion New York alone voted aye. After further consideration of Mr. Monroe's proposition, it was

Resolved, That the further consideration of the subject be postponed; and that Congress take into consideration the report of the committee on the application from the state of New York.

June 3, a committee reported the Monroe proposition in the form of resolutions, when the New York delegation moved to postpone consideration of them, "in order to take up the report of the committee, on the representation from the delegates of New York"—*which report was in favor of recognizing the independence of Vermont and admitting her into the Union*. New York and New Hampshire only voted for this motion. The inference from such a motion, immediately on the defeat of the application of New York for troops, inevitably is, that troops which might be used by New York against Vermont, or an immediate settlement of the controversy by Congress, were the alternatives then in the minds of the delegates from New York. After negating this motion, Congress proceeded immediately to consider and adopt Mr.

¹*Journals of Congress*, Folwell's edition, Vol. IX, pp. 189-198.

Monroe's resolutions, which provided for seven hundred men to take possession of the western posts, who were to be under the control of the secretary in the war-office, subject to the order of Congress, and of the committee of the states in the recess of Congress.¹

That the idea of using force against Vermont was entertained in New York, as late as June 1784, appears from the following, which was republished in the *Vermont Journal* of Aug. 11 1784:

MORRIS-TOWN, [N. Y.,] June 30.

By a gentleman, that has lately left the state of Vermont, and whose veracity is undoubted, we are informed, that the passions of the leading Vermonters appear to be as turbulent as ever; their intemperate folly having animated them to take up arms against this state, and shew their obstreperousness to others, in order, as is pretended, to adjust and settle the boundaries of the self-created State of Vermont. Several people have been killed. [Spicer's death in the previous March magnified,] and yet the Congress seem to tacitly permit a petty state to triumph and insult two powerful states, either of which could crush to atoms those arrogant, shallow-brained men, whose only security hitherto has been the peaceable disposition of the people whom they have injured. Certainly a civil war ought at all times to be carefully guarded against, but yet if it is absolutely necessary, the sooner it is undertaken the better. A very small force would soon reduce the Vermonters to reason, and compel them to submit their claims to the Congress, in whom alone is invested the power of adjusting such differences as the arm of civil power may not be long enough to reach. Indeed we are authorised to assert, that great numbers of the inhabitants of Vermont are extremely disgusted with their distracted government, and would be very glad to be united to the state of New-York.

Report of the Committee of Congress for the admission of Vermont into the Union, May 29 1784.

The committee to whom had been referred the claims and demands of New York and the reply of Governor Chittenden, on the 29th of May made the following report, which is entered at length on the journal of Congress of the 3d of June 1784. It is the latest proceeding which is found on the journal of the old Congress relative directly to Vermont, and it remained unacted upon by that body at the close of the confederation. It is understood that the report embodied the views of a majority of the States at that time, but that it could not command the votes of the requisite number, to wit, nine of the thirteen States.²

The committee, consisting of Mr. Reed, Mr. Sherman, Mr. Ellery, Mr. Hardy and Mr. Partridge,³ to whom was referred the representation

¹ *Journals of Congress*, Folwell's edition. Vol. ix. pp. 204-218.

² *Eastern Vermont*, p. 535; *Early History of Vt.*, pp. 432-435; Committee Book and original papers in the State Department at Washington.

³ George Partridge of Massachusetts seems to have been appointed on the committee in place of Mr. Beatty of New Jersey.

of the delegates from the state of New York, respecting the controversy between the said State and the people inhabiting the territory called the New Hampshire Grants, made in pursuance of express instructions from the Legislature of the said state, urging the necessity of an immediate decision of the said controversy, with sundry affidavits and other papers accompanying the same, having carefully examined the papers, and the files and proceedings of Congress, respecting the said controversy, and maturely considered the case, report thereon as follows:

That by an act of Congress of the 7th of August 1781, reciting that the States of New Hampshire and New York had submitted to Congress the decision of the disputes between them and the people inhabiting the New Hampshire Grants, on the west side of Connecticut river, called the state of Vermont, concerning their respective claims of jurisdiction over said territory, and had been heard thereon, and that the people aforesaid did claim and exercise the powers of a sovereign independent State, and had requested to be admitted into the federal union of these States: It was among other things resolved.

"That a committee of five be appointed to confer with such person or persons as may be appointed by the people residing on the New Hampshire Grants, on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent State, and on what terms it may be proper to admit them into the federal union of these States, in case the United States in Congress assembled, shall determine to recognize their independence, and thereof make report. And it is hereby recommended to the people of the territory aforesaid, or their representative body, to appoint an agent or agents to repair immediately to Philadelphia, with full powers and instructions to confer with the said committee on the matters aforesaid, and on behalf of the said people to agree upon and ratify terms and articles of union and confederation with the United States of America, in case they shall be admitted into the Union; and the said committee are hereby instructed to give notice to the agents of the States of New Hampshire and New York to be present at the conference aforesaid."

And on the 8th day of the said August, a committee was accordingly appointed, who afterwards had a conference with Jonas Fay, Ira Allen, and Bezaleel Woodward, agents appointed by the authority of the people inhabiting the said territory called the New Hampshire Grants, to repair to Congress, and to propose and receive from them terms of a union with the United States.

That the committee appointed as aforesaid having made their report, Congress on the 20th day of August 1781 came to the following resolution:

"It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York, contained in the resolutions of the 7th instant: *Resolved*, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory called Vermont, and their admission into the federal union, that they explicitly relinquish all demands of land or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the northwest corner of the state of Massachusetts, thence running twenty miles east of Hudson's river, so far as the said river runs northeasterly in its general course; then by the west bounds of the townships granted by the late government of New Hampshire, to the river running from South Bay to lake Champlain: thence along the said river to lake Champlain; thence along the waters of lake Champlain, to the latitude of 45 degrees north, excepting a neck of land between Missiskoy Bay and the waters of lake Champlain."

Which resolution was agreed to by nine states.

That on the 19th of October 1781 the Assembly of Vermont, taking into their consideration the aforesaid act of Congress, *Resolved*, That they could not comply with it without destroying the harmony then subsisting in that state, and a violation of a solemn compact entered into by articles of union, &c., as appears on the journal of Congress of the 4th of April 1782.

That afterwards, on the 22nd of February 1782, the people inhabiting the said territory called Vermont, by their representatives in General Assembly, in compliance with the aforesaid act of Congress, then remaining unaltered and unrepealed, came to the following resolution, to wit:

“Resolved, That the west bank of Connecticut river, and a line beginning at the northwest corner of the Commonwealth of Massachusetts, from thence northward twenty miles east of Hudson’s river, as specified in the resolutions of Congress in August last, shall be considered as the east and west boundaries of this State; and that this Assembly do hereby relinquish all claims and demands to and jurisdiction in and over any and every district of territory without said boundary lines.”

And afterwards, in the said month of February 1782, the said General Assembly appointed Moses Robinson, Paul Spooner, Isaac Tichenor, and Jonas Fay, Esqrs. agents, with plenary powers, on behalf of the people of the said district, to negotiate and agree on terms for their admission into confederation with these United States; and upon such admission to represent the said State of Vermont in Congress:

And it being now represented by the State of New York that great danger and distress will arise from a further delay of the decision of the said controversy; and the people of Vermont having complied as aforesaid with the terms prescribed by Congress, as a preliminary to a recognition of their independence, your committee submit the following resolves:

Resolved, That the district of territory lying on the west side of Connecticut river, called Vermont, within the limits and boundaries described in the act of Congress of the 20th of August 1781, and the people inhabiting the same, be, and they are hereby recognized and declared to be a free, sovereign and independent State, by the name of the State of Vermont. That the said State of Vermont, being within the limits of the United States, shall be considered a part of the confederacy, on the same principles as the new States, who shall have established permanent governments agreeably to the act of Congress of the 23d of April last, until it shall accede to the articles of confederation and be admitted into the federal union of these States.

Resolved, That Congress adhere to the guarantee to the States of New Hampshire and New York, agreeably to the resolutions of the 7th and 20th day of August 1781; and if it shall appear, on running the line between the States of New York and Vermont, that the latter hath made any encroachments on the territory of the former, the same shall be immediately removed.

Your committee further report, with respect to the matters alleged by the delegates of New York, concerning the sufferings of individuals by banishment and confiscation of property, and the disorders and violences that have happened in consequence of the opposite and interfering jurisdictions exercised by the State of New York and the government of Vermont, over the same persons within the said district; that the several letters and papers from the Governor of New York and the people of Vermont, relative to those matters, have been heretofore committed, and no report hath been made thereon; your committee are therefore of opinion, that if Congress should judge it expedient to take

any further order respecting those matters, it will be proper again to commit those papers.¹

*Jonathan Blanchard of New Hampshire to Josiah Bartlett.*²

No determination respecting Vermont. Some of the Southern Delegates declare openly, that they will not consent to her being admitted into the Union, for it will give a ballance to the *Eastern Scale*, which Eastern Scale has been pretty formidable for two months past, and been Generally able to carry a Good, and to defeat a bad Question.

No other direct action on the Vermont question was ever taken by the Continental Congress. In 1785-6, however, a committee of one from each State then represented in Congress was appointed to report proper measures "to prevent the ill consequences of a particular district of any State setting up and claiming the right of independent government, without the consent of said State and of the United States." Several schemes were proposed, either of which would have been adverse to Vermont's independence without the consent of New York; but neither were agreed to by the committee.—See *Appendix D*.

*Defense of the Policy of Vermont in the Controversy with New York, and the Haldimand Negotiation.*³

The following letter, published in the *Vermont Gazette*, [Bennington,] Nov. 18 1784, though out of the chronological order, is a fit closing of the appeals of Vermont to the Continental Congress, as well as a defense of the Haldimand negotiation. It was written and published by ETHAN ALLEN, on the request of Governor Chittenden, in connection with the letter of the Governor of April 26 1784 to the President of Congress. It is dated in the manuscript copy "November 30th, 1784," but the true date probably was Oct. 30, as the letter was printed on the 18th of November. The manuscript contains several errors made by the copyist.

TO THE PUBLIC.

In pursuance of special directions from His Excellency Governor Chittenden, I am to cause the following letter, addressed to His Excel-

¹ *Early History*, pp. 435, 436; and *Journals of Congress*, Folwell's edition, Vol. IX, pp. 212-215.

² *Historical Magazine*, N. Y., Vol. VI, p. 278, note. The date is not given, but it must have been written subsequent to March 1 1784, as Mr. Blanchard took his seat in Congress on that day. Probably it was written after the vote of the 3d of June, refusing to take up the foregoing report.

³ *Ethan Allen ms. Papers*, p. 389.

lency the President of Congress, to be communicated to the public through the channel of the *Vermont Gazette*, for the satisfaction of their anxiety. It is the last transaction of this State with Congress, to which letter there has been no answer returned. I have further to observe, that a few months past the delegates of New York in Congress presented a memorial that they [Congress] would make a resolution [decision] respecting the independency of Vermont. Upon which Congress appointed a committee, which have reported that Vermont ought to be an independent State, but that it should be procrastinated until some Southern State should likewise be created, and until the conditions of the admission of this State into the federal union of the United States should be agreed on. This is the last doings of Congress respecting this State that has come to hand, except that the delegates of the State of New York urged Congress to take up and act on their said committee's report, which they [Congress] negatived.

It is undoubtedly the wisdom and good policy of republican governments to inform their citizens of the management and circumstances of their political matters so far as their opponent States or other adversaries may not take advantage of it. This then should be the criterion of the promulgation of public policy, for it is injurious to the public good to expose the cabinet counsels so that enemies may avail themselves of such advantages. This maxim has ever been duly adhered to *by the leading gentlemen of this State*,¹ which has given occasion to some to censure those gentlemen in public trust, though they have at the same time strenuously acted agreeable to the best good of the community. The short of the matter is, that indiscriminate publication of state policy defeats itself and annihilates its own existence.

I would by no means debar the populace of talking and plotting in politics, for this would deprive them of a great share of their happiness and importance; but I would not have them complain of their benefactors nor alter the measures of their superiors. *The Foreign Policy of this Government has been demonstrated to be good in the final consequence of it, and the State is in good and respectable condition at present.* It only remains that our courts of equity and law do impartial justice, and that our citizens support the honor and dignity of our laws and unitedly combine to support our liberty and independency.

From the Public's most obedient and humble servant,

ETHAN ALLEN.

ACTION OF VERMONT, OCTOBER SESSION, 1784.

Oct. 15 1784.—Gov. Chittenden delivered a congratulatory speech on the close of the revolutionary war by the articles for a treaty of peace, and submitted executive papers containing the correspondence with Gov. Hancock on the death of Spicer, two letters to Gen. Haldimand, April 15 and July 12 1784, and the letter of April 26 to the President of Congress.

Retaliatory Act against New York.

In Assembly, Oct. 18.—Hon. Micah Townsend petitioned as follows :

¹ This phrase is used in the Haldimand negotiation to denote those who were engaged in or cognizant of it: and here it has the same application.

That on the 10th of July last past he was arrested in the city of New York in an action of trespass by Seth Smith of the State of New York,¹ solely for his officiating in the line of his duty as Clerk of the County Court of Windham county—and praying the interference and indemnity of the Legislature in his behalf, as it is a matter which, though aimed particularly at him, may in its consequences affect the State at large and every officer and subject thereof.

In response to this petition, an act passed appointing three commissioners to seize and sell so much of the lands in Vermont belonging to citizens of New York as would raise the sum of £1500 in specie when sold at public vendue; and directing them to pay to Townsend, as soon as the New York court should render judgment against him, the amount of the judgment and costs, expenses of defending the suit, and a proper recompense for being unjustly sued.² The following correspondence is pertinent:

Messrs. Haswell & Russell.—As the most eligible method of acquainting the Members of the Legislature and the freemen of the State, with the operation of an Act passed in October last, for my indemnity in a suit commenced against me in New York, for officiating as Clerk of Windham County Court, be pleased to publish in your Useful Paper, the following letter from my Attorney, viz.

“NEW-YORK, April 10, 1785.

“*Dear Sir,*—Your favor of the 26th ult. was yesterday put into my hands. The Advertisement you transmitted was also duly received, but has never been made use of, because I was sure of success in a different way, and did not wish to increase the animosity already too great between Vermont and us.

“At our last Mayor’s Court I laid Mr. Seth Smith’s Attorney under a rule to declare by the next Court, or he non prossed. As he neglected doing this, I have had the rule made absolute, and the cause is of course totally out of Court, and cannot be brought on again *de novo*, without your being again arrested. My costs are too inconsiderable to make a Bill of. I am sufficiently recompenced by putting so favourable an end to a cause whose consequences I was somewhat apprehensive about.

“I am sir, with respect, your very obedient servant,

“BROCKHOLST LIVINGSTON.³

“Micah Townsend, Esq.”

In consequence of the foregoing information, I have requested Mr. Livingston to wait upon Judge Morris⁴ (whose interest the Commissioners had seized for my security) with my most respectful Compliments, and to assure him that as in making reprisals, I was dictated by self-preservation and not by resentment. I will lose the trouble and expence I have been at, both here and in New-York, rather than be instrumental to selling any of his property.—That his Land is free from any demands

¹Of Brattleborough.—See Vol. II, p. 372.

²For act, see Slade’s *State Papers*, p. 491.

³Mr. Livingston was an officer in the revolutionary war, judge of the supreme court of New York from 1802 to 1806, and of the supreme court of the United States from 1806 until his death in 1823.

⁴Probably Judge Richard Morris of New York.

against it on my account—and that I will satisfy the Commissioners for their trouble in this business.

Thus happily, and honorably for this state, has ended a matter concerning whose consequences some timid persons were apprehensive. I am Gentlemen, your most obedient servant. MICAH TOWNSEND.

*Brattleboro', July 14, 1785.*¹

Clemency to the Insurgents in Windham County.

IN ASSEMBLY, Oct. 23 1784.—A petition signed Charles Phelps praying for a full pardon and a reversion [reversal] of a sentence of the Supreme Court confiscating his estate, &c. was read and referred to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report. The members chosen Mr. Lyon, Mr. Clark, [Col. Isaac.] and Mr. Wells, [Hubbell, of Halifax.]²

Oct. 26.—The committee reported:

That upon examination it appears to your Committee that said Charles Phelps Esq^r has been meritorious in his former opposition to the government of New Yorks granting lands &c. and opposing the people in Cumberland county uniting and associating with New York—and that he has been very serviceable to his Country by procuring and selling without profit to himself a quantity of arms, ammunition and salt—we also find that said Phelps has been for a number of years past exceedingly obstinate against and troublesome to this State—and that he has had sentence of imprisonment and confiscation of all his estate both real and personal passed against him by the Supreme court of this State for *treason*. However your Committee would recommend him as a fit object of mercy on account of his former merit, his advanced age and the bad circumstances of his family—and submit it as their opinion that he have all his former estate, both real and personal returned to him, except what has been disposed of by the public, on his paying £35 lawful money to the State towards defraying the extraordinary cost that this government have been at on account of the exertions against government by him and his late associates.³ [Signed] PETER OLCOTT *for Committee*.

The following act was the result:

AN ACT pardoning Charles Phelps Esq. of Marlborough, in the county of Windham, and restoring to him all his estate, real and personal.

Whereas, Charles Phelps Esq. of Marlborough, in the county of Windham, has preferred his petition to this Assembly, setting forth that, by sentence of the supreme court, holden at Westminster, within and for the county of Windham aforesaid, on the second Tuesday of February, Anno Domini, one thousand seven hundred and eighty-four, he was attainted of treason against this State; by reason of which sentence, all the estate, real and personal, of the said Charles Phelps Esq. was confiscated to, and seized for the use of, this State; and praying pardon and a restitution of his said estate: and whereas, many matters

¹ *Vermont Gazette* for Aug. 1 1785.

² Mr. Olcott was joined from the Council.

³ Phelps remained in sentiment devoted to New York, and dated his last will at “*New Marlborough in the county of Cumberland and State of New York.*” He died in April 1789 in the seventy-third year of his age.—See *Eastern Vermont*, pp. 537, 679–689.

appear which recommend the said Charles Phelps Esq. to the mercy of this Legislature, and this Legislature ever willing to extend mercy where the ends of government may be as well answered thereby: therefore,

Be it enacted, &c. that there be, and hereby is, granted to the said Charles Phelps Esq. a full and free pardon of said attainder, and all and singular the consequences thereof: and that all the estate of the said Charles Phelps Esq. both real and personal, confiscated by said sentence and attainder, be, and the same is hereby restored to the said Charles Phelps Esq. except so much of said estate as hath already been sold and disposed to the use of this State.

And be it further enacted, that the said Charles Phelps Esq. shall not be entitled to any of the benefits and privileges, or immunities, granted by this act, until he shall have paid to the treasury of this State, the sum of thirty-five pounds, lawful money, to indemnify this State, for costs that have accrued in prosecuting the said Charles Phelps Esq.

Be it further enacted, that the treasurer be, and is hereby directed to receive an obligation from the said Charles Phelps Esq. for the said thirty-five pounds, to be paid in hard money, within six months, with interest; and also, to receive from the said Phelps a certain note given by Oliver Waters and others, to Elisha Porter, Esquire, sheriff of the county of Hampshire, for about fifteen pounds, and also a note given by said Waters and others to Charles Phelps of Hadley, for about six pounds, lawful money, and indorse the same on the said thirty-five pound note; and when the said two notes are received by the treasurer, and indorsed as aforesaid, then the said Charles Phelps Esq. shall be fully and amply intitled to all the benefits proposed or provided in this act, and have right to receive, hold and enjoy, all his estate, both real and personal, as is intended by this act.

Oct. 25.—Two petitions signed by a number of the late disaffected inhabitants of the southerly part of the County of Windham, praying that the Legislature would be pleased once more to put it into their [power] to accept a full pardon for their former transgressions of the laws &c. &c. were read and referred to a Committee of five to join a Committee from the Council to take the same under consideration, state facts and make report of their opinion to this House.—The members chosen Mr. Knight, Mr. Weld, Mr. J. [Joseph] Bradley, Mr. Bridgman and Mr. Knoulton.¹

Oct. 26.—The committee reported,

That in our opinion an act of this Assembly be passed granting a free and full pardon to all the petitioners for all crimes committed against the State as set forth in the petitions, and also a restoration of all property that hath been taken by order of this State and not disposed of, upon condition that every of them so to be pardoned take the oath of allegiance to this State before he receive the benefit of such pardon.

(Signed)

SAMUEL FLETCHER *for Committee.*

Ordered that a bill be brought in accordingly.

The act passed as follows:

AN ACT granting to the several persons therein named, a free pardon for the several crimes herein described.

Be it enacted, &c. that a free pardon be and is hereby granted to the persons herein named, for all crimes heretofore committed in opposing the authority of this State, to wit:—

Timothy Church, Francis Prouty, Ebenezer Knap, Joseph Whipple, Eleazer Church, Jonathan Dunklee, John Alexander, all of Brattleborough; and Samuel Melendy, Newhal Earl, Ithamar Goodenough.

¹ Mr. Fletcher was joined from the Council.

Artimas Goodenough, Simeon Ferrel, Amos Yaw, Adonijah Putnam, Joseph Peck, Edward Carpenter, Cyrryl Carpenter, Amos Yaw, jun., Asaph Carpenter, Samuel Curtis, Henry Evens, Samuel Bixby, William White, Joseph Eliot, and Giles Roberts, all of Guilford; and Thomas Whipple of Marlborough.

And be it further enacted, that all the property, real and personal, of each and every person, before named, which hath been adjudged forfeit to this State, or hath been seized or taken by the authority of the same, and not disposed of, be returned to the before named persons.

Provided always, that neither of the aforementioned persons shall be intitled to any of the benefits of this act, who shall not appear before some justice of the peace, in the county of Windham, within two months from the publication hereof, and take an oath of allegiance to this State, and procure a certificate thereof.

IN COUNCIL, Oct. 27.—Resolutions were, on petitions, adopted to remit the fines imposed by the Supreme Court on the following named persons: Joseph Chamberlin, Francis Prouty, John Alexander, Edward Carpenter, Asaph Carpenter, and Cyril Carpenter.

The fine of Stephen Chase was remitted June 8 1784.

Elections of Agents and Delegates to Congress.

Oct. 28 1784.—Agreeable to order, proceeded to choose by joint ballot of Governor, Council, and Assembly, three *Agents* to attend Congress, to transact and negotiate the business of this State with that body. The ballots being taken and sorted, the Honorable Moses Robinson, Ira Allen, and Nathaniel Niles, Esquires, were elected.

Agreeable to order, the General Assembly proceeded to choose three *Delegates* to [represent this State in] Congress. The ballots being sorted and counted, the Honorable Moses Robinson, Ira Allen, and Nathaniel Niles, Esquires, were elected.

In like manner the following named gentlemen were elected at the dates stated:

Oct. 18 1785.—Moses Robinson, Ira Allen, and Stephen R. Bradley, Agents.

Oct. 30 1786.—Moses Robinson, Ira Allen, and Isaac Tichenor, Agents.

Oct. 24 1787.—Ira Allen, Isaac Tichenor, and Noah Smith, Agents.

Oct. 22 1788.—Moses Robinson, Ira Allen, and Jonathan Arnold, Agents. Oct. 24, Isaac Tichenor was elected in place of Ira Allen excused.

Oct. 27 1789.—Isaac Tichenor, Stephen R. Bradley, and Elijah Paine, Agents.

Jan. 13 1791.—Nathaniel Chipman, and Lewis R. Morris, Commissioners.

Sentiments of Vermont after the Peace of 1783.¹

The evasive, irresolute, contradictory acts of Congress, had nearly destroyed all the faith and confidence which the people of Vermont had reposed in that body. And it was generally thought it would not be

¹ Williams's *Vermont*, second edition, Vol. 2, pp. 252-255.

best to have any connexion with them; but only to keep up the custom and form of choosing delegates every year, to represent the state of Vermont.

The war with Great Britain had proved greatly distressing to every part of the United States; but it had served to establish an union among the people of America, which could not have been so firmly cemented, but by the prospect of common danger. This appearance was now come to an end. On January the 20th, 1783. the preliminary articles of peace were signed by the ministers of the king of Great Britain, and the United States of America. In this treaty the former colonies were acknowledged to be free, sovereign and independent states. By putting an end to war, this treaty put an end to the embarrassments of Congress, and to all the fears of the people of Vermont. An union with the confederation was no longer a matter of immediate and urgent necessity. The state had now no external enemies to oppose, or any body of troops to be raised or kept in pay. Weary of so long and distressing a war, all parties wished for the repose and tranquility of peace; and were heartily desirous of dropping all occasions of controversy and debate. The business of Congress, however, became more and more embarrassing. Their currency had failed, their revenues were exhausted, their armies were dissatisfied and unpaid, the debts they had contracted were unfunded, the public creditors were everywhere full of complaints against their proceedings, and they had no resources to answer the demands that were perpetually made upon them. Few of the states paid much regard to their resolutions, and it was now fully evident that their powers were inadequate to the public business of the United States, and that the articles of union and confederation were essentially defective. Without power to relieve themselves, under these embarrassments, the Congress was daily sinking into a state of insignificance and contempt; and the public affairs of the union were constantly becoming more and more embarrassed with weakness, disorder, the want of wisdom, credit, and power.

In such a state of things, an admission into the confederacy of the states, ceased to be an object of any importance, or even desire. Vermont was happy in being free from the load of debt, which lay upon the United States; and was not perplexed by the constant calls of Congress, to raise the necessary sums of money. The legislature had acquired wisdom and experience in governing the people, from the difficulties in which they had been engaged. It had not been in their power to contract very large debts, nor was it necessary or practicable to impose heavy taxes upon the people. The state had a large quantity of valuable lands to dispose of; and purchasers and settlers were constantly coming in, from all the New England States. Thus, by one of those sudden transitions which are common to human affairs, from the most distressed and perplexed state, the condition and prospect of the people of Vermont became, at once, more easy and flattering than those of their neighbors. Encouraged by the mildness of the government, the smallness of the taxes, the fertility and cheapness of the lands, large additions were annually made to their numbers and property, by the accession of inhabitants from other states. There was nothing, therefore, in the public affairs of the United States, or in those of Vermont, that could lead the inhabitants any longer to wish for an admission into the confederation. The body of the people felt that they were in a better situation than the people in the neighboring states; and it was the general inclination and desire, not to be connected with the union, if it could be decently avoided.

In this situation, added Dr. Williams, things remained until the adoption

of the constitution of the United States, and the acts of the first Congress had been marked with such wisdom and justice as served to abate the fears that many had entertained, and to conciliate the minds of the people to federal sentiments. Ira Allen said, that after the reception of the resolutions of Congress of Dec. 5, 1782, "the Legislature [of Vermont] annually appointed agents and delegates to Congress, but took no further pains to join the confederacy ; indeed they found themselves in better circumstances than those of the neighbouring states, on account of taxes, and were content with the measures of government."¹

¹Ira Allen's *History*, in *Vt. Hist. Soc. Collections*, Vol. 1, p. 464.

APPENDIX D.

OBSTACLES IN CONGRESS TO THE RECOGNITION OF VERMONT.¹

In 1785 movements had been made for forming three new states, besides Vermont, in the territory claimed by some of the original thirteen: Kentucky, from Virginia; Franklin [now Tennessee,] from North Carolina; and Maine, from Massachusetts. Congress was embarrassed by the claim on the one side of the old states that, by the third article of confederation, any countenance to these movements was forbidden,² and on the other by the necessity of respecting the wishes and interests of large bodies of people, and the future prosperity and harmony of the nation. Hence earnest attempts were made to devise a scheme for the settlement of a question that was fraught with danger. This served to defer the favorable decision which a majority of Congress were ready to make as to Vermont. The following, from documents, copies of which were communicated to Vermont at the time, elucidates this matter.

*Congress and its Committee on Districts of States claiming Independence.—1785–1786.*³

October 12, 1785.—Congress passed a resolution as follows: The delegates from Massachusetts and Virginia having withdrawn their motion of the 7th instant, on motion of the delegates of said States,

Resolved, That a grand committee be appointed to report what measures are proper for Congress to adopt, to prevent the ill consequences of a particular district of any State setting up and claiming the right of independent government, without the consent of said State and of the United States.⁴

¹*Vt. Hist. Soc. Collections*, Vol. II, pp. 432–436.

²By this article the thirteen States bound “themselves to assist each other, against all force offered to, or attack made upon them, or any of them, on account of religion, *sovereignty*, trade, or any other pretence whatever.”—*The Constitution*, by W. Hickey, p. 484.

³Designed by WILLIAM SLADE for the *Vermont State Papers*, but not printed.

⁴*Jour. Cong.* Oct. 12, 1785.—See also *Journal* of the 7th and 13th Oct., Folwell's edition, Vol. X, pp. 245–250.

The following account of the proceedings of this committee is found among the papers used by Mr. Slade in compiling his volumes of State Papers.

Last October a large committee was appointed by Congress to take into consideration what rule of conduct it might be proper for the United States to adopt in regard to those districts of territory which were claimed by any of the States, the inhabitants of which had assumed or might in future assume the rights and powers of independent sovereignties.

The committee was composed of the Hon. Mr. Long from New Hampshire, Mr. Gerry from Massachusetts, Mr. Ellery from Rhode Island, Mr. Cook from Connecticut, Mr. Smith from New York, Mr. Stewart from New Jersey, Mr. Gardner from Pennsylvania, Mr. Vining from Delaware, Mr. Hindman from Maryland, Mr. Hardy¹ from Virginia, Mr. McKean from South Carolina.

The following plan was drawn up and laid before the committee by Mr. Gerry, viz :

"Whereas by the third article of the confederation the States have severally entered into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force opposed to, or attacks made upon them or any of them, on account of religion, sovereignty, trade, or any pretence whatever :

"And whereas a separation of any district from a State having a right to exercise constitutional jurisdiction over such district, unless by the consent of the State and of the United States, would be a violation of and have a tendency to subvert the fundamental principles of the Union : therefore

"*Resolved*, That Congress highly disapprove of all meetings, combinations, and other measures not authorized by the States respectively in the first instance, and also by the United States, for the purpose of separating any district or territory from a State having a right to exercise constitutional jurisdiction over the same, and Congress consider themselves bound, on the application of any State for that purpose, to support, where necessary, such State in the due execution of the laws thereof, for preventing such separation, until it shall be made in a mode that may be adopted by the States in Congress assembled, and ratified by the several States in the Union."

The committee did not agree to the preceding draught, and accordingly it was not reported ; in consequence of which a sub-committee being appointed out of the general committee, the plan which succeeds was drawn up by a member and laid before them, as follows, viz :²

"Whereas, from the local circumstances of a State in the course of human events it may become expedient for it to permit a district or part thereof to separate from it, and set up an independent jurisdiction ; and it may also become expedient that the United States in Congress assembled should consent to such separation and admit such district into the present federal Union :

"And whereas the United States in Congress assembled are not

¹Mr. Hardy died Oct. 17, 1785.—See *Jour. of Cong.* of that date, Folwell's edition, Vol. x, p. 251.

²This plan is substantially the same that was proposed to Congress by the delegates from Rhode Island, Oct. 7 1785.—See *Journal* of that date.

authorized by the confederation to admit the independency of and receive into its federal union a District or part of a State, which may separate and set up an independent jurisdiction as aforesaid :

“*Resolved*, Therefore, that it be recommended to the legislatures of the several States to authorize *nine* of the original States in Congress aforesaid to admit into the federal Union a district or part of a State, which, with the consent of the State to which said district belonged, and the consent of *nine* of the original States, shall have separated from the parent State and erected an independent jurisdiction.”

The foregoing being not ageed to was not reported to Congress, upon which the third plan was drawn up and laid before the committee, to be adopted as their report to Congress. It was in the following words :

“Whereas, for the happiness of mankind, and from the local circumstances of a State, it may in the course of human events, become expedient that a State should permit a district or part thereof to separate therefrom, and become an independent jurisdiction; and it may also become expedient that the United States in Congress assembled should consent to such a separation, and admit such district to the rank of an independent State, and to be a member of the federal Union :

Therefore, *Resolved*, that it be recommended to the legislatures of the several States to authorize the United States in Congress assembled to admit a district or districts in any State to separate and become an independent State on the following terms :

1st. That the extent of the district shall not be less than miles long and miles wide.

2d. That the original State shall consent to such separation by an express act of their legislature; providing that if the United States in Congress assembled shall not, by the vote of *nine* States of the original States, think it expedient to admit such district into the federal Union, that they shall return to the jurisdiction of the original State.

3d. That their government shall be republican.

4th. That they shall be subject to pay a part of the federal debt contracted or to be contracted, to be apportioned on them by Congress by the same rule by which apportionments shall be made on the other States.

5th. That they shall be subject to the articles of confederation, ordinances and resolutions of Congress made or to be made.

6th. That they shall forever remain a part of the confederacy of the United States of America.

“And whereas a separation on any other terms would be highly derogatory to the dignity of the Union :

Resolved, That the United States in Congress assembled hold themselves bound, on the application of any State, to support them when necessary, in their jurisdictional rights over every part of the said State according to the third article of the confederation.”

The committee did not agree to this last plan. However, there might probably have been a majority to recommend adopting it by Congress were it not for the final clause. No report has been made to Congress, and thus the matter has lain till this time; no effort being made, and probably will not be made, from the present situation of affairs, against the exertions of those districts which have assumed independent sovereignties.

The preceding minutes and propositions, which were laid before the committee and sub-committee, are by no means to be made public.

New York, May 27, 1786.

*Thomas Jefferson to M. de Meusnier, Jan. 24 1786.*¹

Nothing is decided as to Vermont. The four northernmost States wish it to be received into the Union. The Middle and Southern States are rather opposed to it. But the great difficulty arises with New York, which claims that territory. In the beginning every individual revolted at the idea of giving them up. Congress therefore only interfered from time to time, to prevent the two parties from coming to an open rupture. In the meanwhile the minds of the New Yorkers have been familiarizing to the idea of a separation, and I think it will not be long before they will consent to it. In that case, the Southern and Middle States will doubtless acquiesce, and Vermont will be received into the Union.

¹ H. A. Washington's *Complete Works of Jefferson*, Vol. 9, pp. 284, 285.

APPENDIX E.

CONFLICTING TITLES TO LAND, AND MEASURES OF RELIEF.

When an independent constitutional government was fully organized in Vermont in 1778, a large portion of the territory had been granted to proprietors by the States of Massachusetts and New Hampshire, and many of the grants made by these States had been covered also by grants made by New York. In 1777 the Governor and Council entered upon the work of sequestering the personal property of persons who had joined the enemy; and at the first session of the General Assembly, March 1778, a court of confiscation was established, with power to seize and sell their real estate. At the same session, Vermont also authorized the first grant of land, and these grants were speedily multiplied. Whatever actual surveys had been made were the work of different persons, and the State had no map or plan of the surveys, and no public records within it of a large proportion of the grants, nor even of the deeds for many years. The proprietors of territory covered by conflicting grants made sales as fast as purchasers could be found, and many of the latter occupied and improved the land so purchased, relying upon the validity of their titles.¹ The common law was adopted and courts were established by Vermont in 1778, and thus was provided the necessary machinery for ascertaining titles so far as was practicable, and for confirming them to the legal owners; but it was obvious that the results would have been very distressing to many persons who had in good faith purchased, occupied, and improved land to which they had no legal title.

TRIALS OF LAND TITLES PROHIBITED.

The first measure of relief was to forbid, temporarily, the trial by the courts of any title to land. This was probably done in 1778, and certainly in Feb. 1779, by the following provision in the act establishing the superior court:

That this court shall have no power to try any action or title of land,

¹ See *post*, preamble to the betterment act proposed in 1784, and extract from the life of Nathaniel Chipman.

for the year ensuing; any clause in this or any other act of the legislature of this State to the contrary notwithstanding.

In June 1779, Ira Allen was appointed Surveyor General, for the purpose of procuring "copies of all Charters that ever was made of lands lying in this State in order to make out one General plan of this State in order to know where vacant lands are;"¹ In October, a board of commissioners was constituted "for the better regulating Titles of Land within this State," whose duty it was to call for charters, patents, deeds, and other papers respecting titles to land—to put claimants upon oath—to make out reports and deposit them in the clerk's office of the town in which the land was, for the examination of parties interested, and to report also to the General Assembly at the opening of each session. when the Assembly was to act upon the reports, and each report which was approved by that body was to be recorded in the town clerk's office. This act also excluded the courts from trying land titles. The preamble of this act set out another cause of conflicting titles, as follows:

Whereas, there are many tenements, farms and tracts of land, situated within this State, claimed by sundry persons, under divers titles, occasioned partly by the unsettled situation the people of this State have heretofore been in, and partly by the avaricious views of those governors, who under the King of Great Britain, feared not to give patents directly interfering with each other, and many settlers have moved on to said lands under those different titles, and undergone innumerable hardships in settling farms, and now to dispossess them, would be cruel and unjust: while others have been intruders and trespassers from the beginning; and to establish them, in seclusion of the lawful freeholders, would be equally iniquitous and unjust. And whereas many inconveniences must attend trials at law, in strict legal adjudications of such a multiplicity of disputes, as well to individuals as the public; such as delays of justice in many instances, increasing broils and contentions; which great evils to prevent, be it enacted, &c.²

In March 1780, "an act to prevent unlawful settlement on unappropriated Lands" was passed, the penalty being a forfeiture of the land, labor, and improvements to the State, with the following proviso, which has a germ of the subsequent quieting or betterment acts:

Provided always, that nothing in this act be construed to debar any person or persons from recovering pay for labor, settlement, &c. where it can be made to appear that such settlement was made through mistake, or on a supposed legal title. And to prevent frauds in sales of land, by persons who pretend to a title by virtue of their names being annexed to any petition or petitions on file, in the Secretary's office, for granting; all persons are hereby cautioned against such purchases, as they are unjust in their nature, and will not be considered as legal.³

The prohibition against trials of land titles expired June 1 1780, but was renewed in the following October,⁴ and continued, special cases excepted,⁵ until the Betterment Act of October 1781 went into effect, when the prohibitions were removed from the courts.

¹ See Vol. I, p. 303, second note.

² Slade's *State Papers*, p. 392.

³ *Same*, p. 395.

⁴ *Same*, p. 405.

⁵ See Slade's *State Papers*, pp. 405, 411, 424 and 426, for excepted cases.

THE BETTERMENT ACTS.

To Gov. CHITTENDEN belongs the honor of first suggesting, and steadily urging to a successful issue, the equitable relief afforded by what are now known, in Vermont and elsewhere, as betterment acts.¹

Oct. 14 1780, in a message of the Governor and Council recommending measures to the Assembly, the gist of all these acts was contained in the following dozen words:

The making such resolves as will in equity quiet the ancient settlers.²

Oct. 16, the Assembly appointed Thomas Porter of Tinmouth, Elihu Smith of Clarendon, and Ebenezer Walbridge of Bennington, a committee to prepare a bill. On the 17th, this committee was enlarged by the addition of Reuben Jones of Rockingham, Ebenezer Drury of Pittsford, Martin Powell of Manchester, and William Ward of Poultney; and Messrs. Brownson and Bowker were joined from the Council. Oct. 25, the bill was read and ordered to lie; and Nov. 6 it was referred to the next session. Feb. 15 1781, the act was read in the Assembly, passed, and sent to the Governor and Council for concurrence. The title of the bill in Oct. 1780 was "An Act to quiet Ancient Settlers;" but as passed in Feb. 1781 it was "An Act for quieting disputes concerning landed Property," and was limited to cases where different proprietors claimed the same tract of land under two or more charters issued by one and the same authority. In these cases the Governor, Council, and House of Representatives were to sit as a court, to hear and finally determine the disputes between the contesting claimants.³

Oct. 15 1781, the sixth article in the arrangement of business being the "Opening the trial of the title of Lands," it was

Resolved that a Committee of nine to join a Committee from the Council be appointed to take under consideration the 6th article in the Report arranging the business of the Session, and that they prepare a bill for quieting ancient Settlers and make report to this House.

This committee consisted of Matthew Lyon of Arlington, Joseph Smith of Clarendon, John Strong of Dorset, [later of Addison,] Nathan Hodges of Lyman, N. H., Ebenezer Drury of Pittsford, Thomas Chandler jr. of Chester, Elkanah Sprague of Hartford, Colburn Preston of Rockingham, Stephen R. Bradley of Westminster, and John Bridgman of Vernon. Ira Allen and Jonas Fay were joined from the Council. Oct. 23, this committee was discharged, and Oct. 24 was fixed by the

¹ In the *Vermont Gazette* of Sept. 19 1785, several of the prominent politicians of the state were squibbed in the form of an advertisement of books for sale, among the titles of which was this: "An Act for quieting ancient Settlers. By T. C." Ethan and Ira Allen, Isaac Tichenor, and Thomas Tolman were among the victims of the anonymous satirist.

² Ms. *Assembly Journal*, Vol. 1, p. 196.

³ See Slade's *State Papers*, p. 424.

Assembly to consider the subject. Accordingly on the 24th, Reuben Jones of Chester, Elisha Payne of Lebanon, N. H., and Matthew Lyon of Arlington were appointed a committee to report "a Bill to repeal such Laws as prohibit the trial of the title of Lands;" and Ezra Styles of Keene, N. H., was "requested to prepare a Bill regulating the trial of the title of Lands, and Report." On the 25th, the repealing act was passed by the Assembly; and on the 27th the first betterment act was also passed. The two acts were as follows:

The first Betterment Act, 1781.

AN ACT to enable persons who have entered and made improvement on Lands, under colour of title, who shall be driven out of the possession by a legal trial at law, to recover the value of what the estate is made better by such improvements, from the rightful owner of the Land.

Whereas, many persons have purchased supposed titles to lands within this State, and have taken possession of such lands under such supposed titles, and made large improvements on the same; and who, having no legal title to such lands, must, if the strict rules of law be attended to, be turned off from their possessions, made at great labor and expense, and others who have wholly neglected the settlement of the country, will enjoy the benefits of their labor. Therefore,

Be it enacted, &c. that when any person or persons, in the actual possession and improvement of lands, to which he, she or they so in possession, have purchased a title, supposing at the time of purchase, such title to be good in fee, shall be prosecuted before any court by action of ejectment, or writ of right, to final judgment, and judgment shall be finally given against such possessor or possessors, or person or persons in possession as aforesaid; such possessor or possessors as aforesaid, against whom judgment shall be finally given as aforesaid, shall have right in action, to recover of the person or persons in whom the legal right shall be found by such judgment, so much money as shall be judged equitable, on the whole view of the matter, in consideration of the possessor having settled thereon. And the manner of process shall be, that the recoverer or recoverees in such action as aforesaid, shall, within twenty-four hours after judgment, file a declaration, in an action of the case, against the recoveror or recoverers, for so much as the estate is made better as aforesaid, in the clerk's office of said court where such judgment was obtained; which shall be deemed sufficient notice to the adverse party to appear and defend in such action on the case, at the next stated or adjourned sessions of said court: and the court, on motion made, shall order the writ of seizin to be stayed until the last action aforesaid be determined: and the lands, recovered by said judgment, shall be holden to respond the judgment, if any there be, in favor of the possessor or possessors, as fully as though the same had been attached by mesne process. And if, on trial, it shall be found necessary that a view be had of the premises, by the jury, to ascertain how much the estate is made better as aforesaid, the court, on motion made by either party, may grant such view; and all reasonable charges arising by such view, shall be paid by him or them who moves for a view.

Provided always, that this act shall not extend to any thing future, or to any person or persons who shall take possession of lands, to which they have no legal title, from the time of passing this act; and that no person who hath ousted the rightful owner, or got possession of any improved estate by ouster, shall take any advantage or benefit by virtue of this act.

Be it further enacted, that if the plaintiff, in the action of the case aforesaid, shall recover judgment in said action, no execution shall be granted in such case, until the expiration of six months after said judgment is recovered; and the writ of seizin shall be further stayed, until the expiration of the said six months, unless the defendant, in said action of the case, shall satisfy such judgment, either to the plaintiff recovering such judgment, or by paying the full sum of damages and costs so recovered, into the hands of the clerk of said court, for the plaintiff's use; in which case the clerk shall give a receipt for the sum so paid, and indorse such judgment satisfied; and a writ of seizin shall immediately issue.

AN ACT for repealing the several Laws now in force, prohibiting the trial of the Title of Lands.

Whereas, it is necessary, for the well being of society, and the regular administration of civil government, that the course of justice should be uninterrupted, and open to all parties: Therefore,

Be it enacted, &c. that all and every act, and part of acts, now in force, prohibiting the trial of the title of lands, before the superior and county courts, are hereby repealed and nullified.

Proposed Betterment Act, March 1784.

At the session in Feb. 1783, the first article in the arrangement of business was "the passing an Act for quieting Antient Settlers in their possessions;" but the only action at that session was the adoption of the following resolution:

Resolved that all Trials for the Title of Lands that have been possessed by virtue of any Conveyance for more than the term of five Years before the passing hereof, be suspended until the rising of the next Session of Assembly: and also Executions now in the hands of any Officers granted on such Trial—except where the Parties agree that such Trial may go on.

An act for the securing titles of land in the State was passed at that session; but it was reconsidered and postponed to the next session.

At the October session 1783, the eighth article in the arrangement of business was, "that Provision be made for quieting antient Settlers; and that the Law be opened for the Trial of Land Titles:" and, Oct. 11, this article was postponed for consideration in Grand Committee on the 15th. The committee did not consider the question until the 18th, when a bill, which had been prepared by a sub-committee, was read and postponed to the 21st, and still again to the 22d, when Jonathan Brace of Manchester, Stephen R. Bradley of Westminster, and Micah Townsend of Brattleborough were appointed a committee "to prepare a bill against the next session of Assembly for quieting antient Settlers."¹

¹Neither of these gentlemen were members of the Assembly at that time, and all were lawyers. JONATHAN BRACE had been a judge of the supreme court of Connecticut. In 1785 he was state's attorney for Bennington county, and also one of the council of censors.—*Vt. Hist. Mag.* Vol. I, pp. 202-203.

At the February session 1784, the fourth article in the arrangement of business was, "That some provision be made for quieting antient Settlers and that the Laws be opened for land trials." Feb. 23, a committee was appointed to consider the subject, consisting of Isaac Tichenor of Bennington, then Speaker, Samuel Mattocks of Tinmouth, Samuel Knight of Brattleborough, Elias Weld of Hartland, Israel Smith of Tuetford, John Strong of Addison, Elijah Robinson of Weathersfield, Noah Sabin of Putney, and Matthew Lyon, then of Fair Haven; and Joseph Bowker and Jonas Fay were joined from the Council. Feb. 26th, this committee reported "an act to enable persons who have entered and made improvements on lands under colour of title, who shall be driven out of the possession by a legal trial at law, to recover the value of what the estate is made better by such improvements from the rightful owner of said land." This bill was read, and ordered to a second reading. March 2, the bill passed in the Assembly. On the 3d the Council returned it with a recommendation that it "be printed for the perusal of the people until the next session of Assembly;" and after debate and adopting amendments, the Assembly again returned the bill to the Governor and Council. March 4, the Council a second time, and by a unanimous vote, recommended a reference of the bill to the people; whereupon the Assembly "resolved that this House do not comply with the said recommendation of Council." The Council then asked a joint meeting of both houses in committee of the whole, to which the Assembly assented. March 5, the committee of the whole recommended a postponement of the bill until the next session, and the Assembly

Resolved that said bill be published for the perusal of the people until the next Session of Assembly before it be passed into a law of this State—and that the Secretary [of State] be directed to publish the same in both the public newspapers printed in this State.

March 6, the Council sent to the Assembly a bill to suspend the trial of land titles temporarily, which was passed on the yeas and nays—yeas 32, nays 29.

The bill for a betterment act, published as above, was a copy substantially of the act of 1781, with four additional sections: one limiting the time in which the defendant might demur to the declaration for damage; another providing that all trials of title suspended by the Assembly in Oct. 1783 should be taken up in the same stage in which they were when suspended; another that no writ of right, or other real action, or of ejectment, shall be prosecuted where the cause of action had previously accrued, but within three years after March 1, 1784; and the last repealing the betterment act of 1781.

Proposed Betterment Act, Oct. 1784.

At the October session of 1784, the above-named bill was the first in the arrangement of business, and it was considered in committee of the whole of both houses Oct. 13, and again on the 18th, as follows:

RUTLAND, [Monday,] Oct. 18, 1784.

His Excellency the Governor, the Honorable the Council, and General Assembly, being resolved into a Committee of the whole, to take under consideration the first article in the arrangement: His Excellency in the chair, and Micah Townsend, Esq; Clerk.

A petition from thirty-nine inhabitants of Clarendon; a petition from thirty-eight inhabitants of Danby; and a petition from the inhabitants of Rutland and Shrewsbury; were severally read: also, an extract from the proceedings of the town of Manchester, was read; and,

The proposed bill, entitled, An act to enable persons who have entered into and made improvements on lands under colour of title, who shall be driven out of the possession by a legal trial at law, to recover the value of what the estate is made better by such improvements, from the rightful owner; and also the bill, entitled, An act for the limitation of actions; both of which were printed and published for the perusal of the people; also, a bill proposed as an amendment to the bill under consideration; were read.

Resolved, That a Sub Committee be appointed to consider and amend the bill under consideration and make report. The members chosen, Mr. Tolman, His Excellency. Mr. Strong, Mr. Marsh, [Daniel, of Clarendon,] Mr. Knoulton, Mr. Knight, Mr. Emmons, [Lieut.] Governor Spooner, Mr. Niles, [Nathaniel,] Mr. Bailey, [Gen. Jacob Bayley,] and Judge [Moses] Robinson.

Adjourned until Tuesday afternoon.

TUESDAY, October 19, 1784.

The Committee of the whole met according to adjournment, and the Sub-Committee not being ready to report, adjourned until to-morrow morning.

WEDNESDAY, October 20, 1784.

The Committee of the whole met according to adjournment.

The Sub-Committee reported a bill, entitled, An Act to enable persons who have settled and made improvements on lands under supposed titles, and otherwise without a legal title, who shall be driven out of possession by a legal trial at law, to recover the value of what the estate is made better by such settlement and improvements, from the legal owner of the land, and to direct the manner of process therein:

Which bill was read, and agreed to be reported to the General Assembly, to be passed into a law of this State.

The Committee of the whole then dissolved.

(Signed) MICAH TOWNSEND, Clerk.

In the Assembly, Oct. 23, the bill was debated and amended, and on the question whether the bill as amended should be accepted, it was rejected—yeas 33, nays 45. The most notable men who voted for the bill were Gideon Olin and Matthew Lyon; while among the nays were Isaac Tichenor, Nathaniel Chipman, Stephen R. Bradley, Luke Knoulton, Samuel Knight and Nathaniel Niles—all of whom were either practicing attorneys or judges. The writer does not recognize a lawyer among the yeas.

Oct. 26, the bill was again referred in the Assembly to a committee of ten, consisting of Martin Fowle of Manchester, Benjamin Whipple of Rutland, Samuel Knight of Fitzborough, John Weld of Reading, William Perry of Pomfret, Jacob Bayley of Newbury, and Benjamin Baldwin of Bradford—three of whom only voted for the bill on the 23d.

This committee recommended that the "bill be printed and published for the perusal of the people;" which was agreed to by the Assembly.

The first section of the bill was substantially the same as that of the act of 1781 except as to the amount to be recovered, the last bill allowing the possessor to recover "so much money as the present true value of the farm or estate exceeds what was its real value, (*after deducting the interest of such real value at six per cent. per annum.*) at the time when such settlement was begun." There were various additions and restrictions not affecting the principle of the original act, which it is not deemed necessary to notice here, as the bill was further amended before it became a law in October 1785. This bill was preceded by a preamble, however, which sets forth the necessity of such an act fully, and deserves a record here as an historical document. It was as follows:

Preamble to the proposed Betterment Act of 1784.

Whereas at the first settlement of the lands in this State, and for several years after, the title of the lands was in great dispute occasioned by diverse and interfering grants or patents made by the respective authorities of the governments of the Massachusetts Bay, New-Hampshire, and New-York, whereby in many instances, it was rendered very difficult, if not impossible, for the people who were desirous to purchase and settle the lands to ascertain the safe and real title to the same. And whereas many of the proprietors of said lands under grants from New Hampshire attended to the modes prescribed by the laws of that government for the division of their lands into severalty, &c. and at the same time the said lands being regranted by and claimed under the authority of New-York, other of the said proprietors under New-Hampshire, from such interference and disputes arising as to title, became discouraged, and refused or neglected to pay their proportions of the costs arising from such services, by reason of which, a part of their lands were sold at public vendue, for the payment of such services with costs, as the laws aforesaid in that case had provided: and the records of such vendue proceedings having often been loosely kept, and scattered into different parts of the country, it is supposed that in many instances such vendue titles will not be established by the strict rules of law. And since the said lands have become valuable at the expence and from the extraordinary exertions of the settlers, many proprietors under the said New-Hampshire grants, who had refused or neglected to clear their lands of costs, as aforesaid, or to settle the same, have sold their rights as original and full, to other persons. And whereas, in some instances, the proprietors of townships have voted a considerable part of their lands to certain persons for encouraging settlement thereon, and in certain cases for settling proprietary disputes, occasioned by interference of town lines as well as for payment of committees, &c. for services done, and those lands have been again sold, and the sales thereof predicated on such votes, which votes could not convey a legal title, of which illegal conveyance by vote some proprietors do actually take advantage and now reclaim the same lands. And whereas, many persons who have purchased the aforesaid vendue and voted titles, and other supposed titles, while the real title was obscured by the unhappy and confused circumstances before mentioned, have taken possession of such lands, and have by their extraordinary exertions, with others, been the means, (under heaven) of supporting and defending the title to the lands under which the legal owners now claim, against the avaricious and unreason-

onable claims of a neighbouring government, and thereby, together with the large improvements made thereon by their labours and industry, have raised the lands in general to their present value. And whereas, if the strict rules of law be attended to, such persons will be turned off from their possessions made at great labour and expence, and others, who have neglected both the defence and settlement of the lands, will unjustly enjoy the benefits of their labours: which manifest evil and injustice to prevent, Be it enacted, &c.¹

The betterment bill having failed, an act continuing the prohibition as to the trial of land titles was passed, and the following was adopted:

Resolved, That the Secretary [of State] be, and is hereby directed to cause to be published in both the newspapers printed in this State, the bill for quieting ancient settlers, and to cause printed copies of said bill to be sent to each Town-Clerk, to be laid before their respective towns for their consideration, at their annual meeting.—That the Town-Clerks give at least fourteen days public notice of the matter to be considered of; and that the several Town-Clerks, after taking the sense of their towns, do certify the same, and the number of voters for and against the bill, to this Assembly at their next adjourned session.

The second Betterment Act, 1785.

At the June session 1785, the betterment bill of October 1784 was the first in the arrangement of business, and it was made the order for the 7th, when the vote of the people was reported, to wit: seven hundred and fifty-six for the bill, and five hundred and eight against it, "exclusive of several towns which did not number their votes, but voted unanimously, some for and others against the bill." After debate, the bill was again rejected by yeas and nays—yeas 29, nays 31. This was the Assembly which voted at the previous session, with the exception of a few members who did not vote in October, and several who did then vote but were absent in June. The most notable men who changed in favor of the bill were Samuel Knight and Luke Knowlton; and those who changed against it were Abraham Underhill of Dorset, William Ward of Poultney, John Weld of Reading, and John Hawkins of Bridgewater. The most of these changes were probably due to instructions from the towns. Messrs. Tichenor, Chipman, and Nathaniel Niles again voted against the bill. Immediately after this vote, on motion of Joseph Bradley of Sunderland, Messrs. Isaac Tichenor of Bennington, Nathaniel Chipman of Tinmouth, Samuel Knight of Brattleborough, William Perry of Pomfret, and Beriah Loomis of Thetford, were appointed to report another bill. This committee reported on the 14th. The bill was debated on the 15th and 16th, and on the last day sent to the Governor and Council, who concurred. The record of the final action of the Assembly is as follows:

A bill, entitled, *An act for settling disputes respecting landed property*,

¹ *Vermont Journal* of Dec. 28 1784, and *Vermont Gazette* of Dec. 6 1784.

being concurred with by Council, was again read, and the question being put, Whether the said bill should pass into a law of this State? The yeas and nays being required, they stand as follows, viz:

Yeas—Henry Walbridge of Bennington, Benjamin Gardner of Pownal, Benjamin Baldwin and Abraham Underhill of Dorset, Daniel Culver of Wells, Samuel Mattocks and Nathaniel Chipman of Tinnmouth, Isaac Clark and Noah Lee of Castleton, John Strong of Addison, Stephen R. Bradley of Westminster, William Bullock of Guilford, Hubbell Wells of Halifax, Samuel Knight of Brattleborough, Chipman Swift of Wilmington, Oliver Lovell of Rockingham, Edward Aiken of Londonderry, Briant Brown of Windsor, Daniel Heald and William Gilkey of Chester, Roger Enos of Hartland, John Hawkins of Bridgewater, Stephen Tilden and Joshua Hazen of Hartford, William Perry of Pomfret, Elisha Burton of Norwich, Silas Williams of Royalton, Michael Flynn of Bethel, Nathaniel Niles of Fairlee, Samuel Howe of Lunenburg, Beriah Loomis of Thetford, Asa Edgerton of Randolph, and Joshua Nutting of Corinth—33.¹

Nays—Martin Powell and Gideon Ormsby of Manchester, John Niles of Pownal, Gideon Olin of Shaftsbury, Joseph Bradley of Sunderland, David Sheldon of Rupert, Samuel Williams of Rutland, Darius Labdell [Lobdell] and Edward Vail of Danby, Daniel Marsh and Abel Cooper of Clarendon, Nathan Finney of Shrewsbury, Eleazer Harwood of Pittsford, Jonathan Underwood and Benjamin Olds of Marlborough, Leonard Spalding of Dummerston, Lucas Wilson and James Hale of Putney, Joseph Tyler of Townshend, Nathaniel Weston of Springfield, John Weld of Reading, William Gallup of Hartland, Jesse Safford and Jabez Cottle of Woodstock, Elijah Gates of Norwich, Aaron Barlow of Barnard, Anthony Morse of Sharon, Ebenezer White of Newbury, and Timothy Blake of Strafford—29.

Eighteen of the twenty-nine, who voted against this bill, were in favor of the preceding one, and only seven members voted against both bills: hence it appears that the Assembly was nearly unanimous in the opinion that relief was necessary.

The bill proposed at the October session, 1784, was substantially the first act of 1781, except as to the mode of finding the amount to be recovered of the legal owner, by the possessor, for improvements. The first act permitted a recovery of "so much money as shall be judged equitable, on the whole view of the matter, in consideration of the possessor having settled" on the land; whereas the bill of 1784 prescribed, as the rule, "so much money as the present true value of the farm or estate exceeds what was its real value (after deducting the interest of such real value at six per cent. per annum) at the time when such settlement was begun."² The principal changes in this bill by the

¹ There is no record of the time when Mr. Nutting took his seat, nor of the town he represented. He did not attend the October session of 1784, but he was present and voted on the fifth day of the adjourned session in June, 1785. Corinth was not represented in the October session. Mr. Nutting represented that town in Oct. 1778, and probably was elected specially for the June session in 1785.

² *Vermont Gazette*, Dec. 6, 1784.

act of June 1785, were, that in the case of a possessor who entered on the supposition that he had a title, the jury were to

"Assess the value of the lands as they were when the settlement was begun by the possessor or possessors, and shall also assess the value of such lands at the time of such assessment, as if the same were uncultivated, and shall allow to the possessor or possessors the one half of what such lands have risen in value; and shall in addition thereto assess to the possessor or possessors the just value of the improvements with the buildings and other betterments made on such lands by the possessor or possessors, or those under whom they hold. And if any doubt shall arise respecting the quantity of such land to be estimated by the jury, *the court before whom the cause shall be tried are hereby directed and empowered to ascertain the same.*"¹

In cases when the possessor had entered without any supposed title, the rule was this:

"He, she, or they shall have a right to recover of the legal owner thereof, the value of his, her, or their improvements, to be estimated in manner as aforesaid, excepting that such possessor or possessors shall have no allowance for the rise of the land, *and that the reasonable profits of such lands shall be deducted from the value of said improvements.*"²

At the October session of 1785 remonstrances were presented from the clerk or other officers of Clarendon, Danby, Castleton, Hubbardton, Pittsford, Ira, and Marlborough, and instructions from Manchester to its representative, all remonstrating against the act of June preceding, for settling disputes respecting landed property, and "praying that the same may be repealed and another act doing more justice to the Ancient Settlers might be passed." These were read in the Assembly and referred to a committee consisting of Messrs. Ormsby of Manchester, Marsh of Clarendon, Wells of Halifax, Weld of Reading, and Loomis of Thetford. On the 24th this committee made a report, which was not entered on the journal; but Benjamin Wait of Windsor, Gideon Olin of Shaftsbury, Daniel Marsh of Clarendon, Beriah Loomis of Thetford, and Luke Knoulton of Newfane were instructed "to prepare a bill agreeable thereto." Oct. 27, this committee "brought in said act as it was inserted in a newspaper with some additions &c.,³ which was read, ac-

¹ The amendments to the bill of Oct. 1784, which were incorporated into the act of June 1785, were ascribed by Daniel Chipman to NATHANIEL CHIPMAN.—See *post*.

² For act of June 1785, see *Vermont Gazette* of Aug. 8 1785. The material amendments to these sections made in October following were as to the lines above in *Italic*.

³ The editor has in vain examined the Vermont newspapers of that day to find this bill, and is of the opinion that a newspaper copy of the act of June 1785 was used by the committee. The act of Oct. 1785 is a copy of that of the preceding June with but two material amendments in the sections referred to in the above note.

cepted and sent for concurrence," and on the same day the Governor and Council concurred. The act was as follows:

Third Betterment Act, October 1785.

AN ACT for settling disputes respecting landed property.

Whereas, many persons have purchased supposed titles to land within this State, and have taken possession of such lands under such titles, and made large improvements on the same; and who, having no legal title to such lands, must, if the strict rules of the common law be attended to, be turned off from their possessions, made at great expense.

Be it enacted, &c. that when any person or persons, in the actual possession and improvement of lands to which he, she, or they, so in possession, or those under whom they hold, had purchased a title, supposing at the time of purchase, such title to be good in fee, and having, in consequence of such purchase, entered and made improvements on such lands, shall be prosecuted before any court by action of ejectment, or any other real or possessory action, to final judgment, and judgment shall be given against such person or persons in possession as aforesaid, such person or persons as aforesaid, against whom judgment shall be finally given as aforesaid, shall have right, by action, to recover of the person or persons in whom the legal right shall be found by such judgment, the value of the improvements and betterments made on such lands by such possessor or possessors, or those under whom they hold; and the manner of process shall be, that the recoverer or recoverers in such action as aforesaid, shall, within forty-eight hours after judgment, or during the sitting of said court, file a declaration, in an action of the case, against the recoverer or recoverers, for so much money as the estate is made better as aforesaid, in the clerk's office of the court where such judgment was obtained, which shall be deemed a sufficient notice to the adverse party to appear and defend in such action on the case, at the next session of said court, whether stated or adjourned; and the court, on motion made, shall order the writ of seizin or possession to be stayed until the last action aforesaid be determined; and the land recovered by such judgment, shall be holden to respond the judgment (if any there be in favor of the possessor or possessors) as fully as though the same had been attached by mesne process; and if, on trial, it shall be found necessary that a view be had of the premises, to ascertain how much the estate is made better as aforesaid, the court, on motion made by either party, may grant such view; and all the reasonable charges arising by such view, shall be paid by the party moving for the same.

And be it further enacted, that the jury, in estimating the value of the improvements, shall assess the value of the lands as they were when the settlement was begun by the possessor or possessors; and shall also assess the value of such lands at the time of such assessment, as if the same were then uncultivated, and shall allow the possessor or possessors, the one half of what such lands have arisen in value, and shall, in addition thereto, assess to the possessor or possessors, the just value of making the improvements, with the buildings and other betterments made on such lands by the possessor or possessors, or those under whom they hold; and if any doubt shall arise respecting the quantity of such land to be estimated by the jury, it is hereby declared to be the duty of such jury, to appraise the improvements and betterments on all the land described in such action.

And be it further enacted, that when any person or persons who have entered and made improvements on lands to which he, she, or they, had no such supposed title as aforesaid, shall be prosecuted before any court,

by action of ejectment, or other real or possessory action, and judgment shall be finally given against such possessor or possessors, he, she, or they, shall have a right to recover of the legal owner thereof, the value of his, her, or their improvements, to be estimated in manner as aforesaid; excepting that such possessor or possessors shall have no allowance for the rise of the land; and the same manner of process shall be had, and the lands shall be holden to respond the judgment obtained by said possessor or possessors, as is before provided in this act.

Provided always, and be it further enacted, that this act shall not extend to any thing future, or to any person or persons, who have taken possession of land to which they have no supposed title, after the first day of October, 1780, or to any person or persons who have taken possession of lands to which they have no legal title, after the first day of July, 1785; and that no person who hath ousted the rightful owner, or gotten possession of any improved estate by ouster, (otherwise than by a legal process) shall take any advantage or benefit by this act.

Be it further enacted, that if the plaintiff in the action of the case aforesaid, shall recover judgment in such action, no execution shall be granted in such case, until the expiration of six months after said judgment is recovered, and the writ of seizin or possession, shall be further stayed until the expiration of the said six months, unless the defendant in said action of the case, satisfy said judgment, either to the plaintiff recovering such judgment, or by paying the full sum of damages and cost so recovered, into the hands of the clerk of said court, for the plaintiff's use; in which case the clerk shall give a receipt for the sum so paid, and enter such judgment satisfied, and a writ of seizin or possession shall immediately issue.

Be it further enacted, that the defendant, in the declaration filed for damages as before mentioned in this act, shall not be allowed to demur to said declaration after the second day of the sitting of the court in which said action for damages is to be tried as aforesaid, and if judgment shall be given on demurrer in favor of the defendant, the plaintiff, within twenty-four hours after such judgment, or during the sitting of said court, shall have full liberty to file another declaration for the purposes intended by this act; and a trial shall be had in said action as soon as may be, after filing said last mentioned declaration; and the writ of seizin or possession shall be stayed, and the land shall be holden to respond the judgment as before is provided in this act.

Be it further enacted, that all actions commenced for the trial of the title of lands, or declaration filed for damages as aforesaid, shall be taken up in the same stage in which they were when the trial of them was suspended by the General Assembly, in October, 1783, and be prosecuted accordingly.

And be it further enacted, that where any prosecution has been commenced before the passing of this act, by action of ejectment, or other real or possessory action, before any court, against any person in possession as is before mentioned in this act, and judgment has been rendered in favor of the plaintiff, whether such judgment be final or not; or whether writ of seizin or possession on such judgment has been issued or not; and whether such possessor or possessors shall have been put out of said possession or not; such writ of seizin or possession, if not executed, shall be stayed for the term of six months from the passing this act; in which time, such possessor shall have liberty (by paying to the plaintiff, in such action of ejectment or writ of right, all his just costs in such action, and giving him, or his attorney, twelve days notice in writing, when and where he will file a declaration for the purposes intended by this act) to file a declaration in an action of the case, with the clerk of the court in

which the plaintiff's action of ejectment, or other real or possessory action, was first commenced, and shall have all the advantages intended by this act.

Provided always, and it is hereby enacted, that this act shall not extend to any person or persons settled on lands granted or sequestered for public, pious, or charitable uses; nor to any person who has gotten the possession of lands by virtue of any contract made between him and the legal owner or owners thereof.

Provided also, and be it further enacted, that nothing in this act shall be construed to deprive any person of his remedy at law against his voucher.

Be it further enacted, that no writ of right, or other real action, no action of ejectment, or other possessory action, of what name or nature soever, shall be sued, prosecuted or maintained, for the recovery of any lands, tenements, or hereditaments, where the cause of action has accrued before the passing this act, unless such action be commenced within three years next after the first day of July, in the present year of our Lord one thousand seven hundred and eighty-five.

REMARKS OF HON. DANIEL CHIPMAN ON THE BETTERMENT ACTS.¹

When the government was organized in this state, and justice began to be administered, it was soon found that a great portion of the settlers had purchased defective titles. A long time had elapsed between the granting of the lands by New Hampshire and the organization of government in this state, during the whole of which time there was no office in which deeds could be recorded; and there was no place to which the purchaser could resort to ascertain in whom was the legal title to the lands, which he proposed to purchase. And in New England, purchasers were not accustomed to receive the title deeds, so as to have in their hands evidence of the title. Consequently it was soon found, that a man so disposed, could sell lands as well without the expense of a purchase as with. A number of swindlers took advantage of this state of things, and made a business of selling lands without making a single purchase. Simeon Sears was one of these primitive swindlers. The following anecdote will show how notorious this mode of swindling had become. The City Hall in Albany was but thirty miles from Bennington, and some of the people of Bennington had been confined in it by the authorities of New York. The City Hall, of course, became a hated place, and an object of dread to the Green Mountain Boys, the more so after the act of outlawry against Allen and others. It therefore became a subject of conversation at all their meetings. At length they began to devise ways and means for destroying it. And at one of the meetings a number of modes of effecting this were proposed, and among the rest several modes of blowing it up. "No," said Ethan Allen, wishing to direct their attention from that dreaded object, "the better way will be to employ Sim Sears to sell the d—d thing."

A great portion of the people being thus exposed to eviction by those who had the legal title, it could not be supposed that they would support a government, by the operation of which they were to lose their farms, rendered more dear to them by their long and doubtful struggle with New York in their defence, and by the hardships and privations which they had suffered in bringing them into a state of cultivation; and it was

¹ *Life of Nathaniel Chipman*, pp. 62-65.

absolutely necessary that some relief should be provided for them. Governor Chittenden very early discovered this, and he was precisely the man to devise the best mode of relief. He had a strong sense of equity, and deeply sympathized with the unfortunate settlers. And what peculiarly fitted him for this occasion was, that he knew nothing of the technical niceties of the law. He therefore found nothing in the way, nothing to prevent him from pursuing that course which was dictated by the principles of natural justice. And as the settlers had made improvements on their farms at great expense, thereby greatly enhancing the value, he could not endure the gross injustice of permitting the legal owner, who had stood aloof, to recover the land with the value thus enhanced by the hard labor of the settlers. He therefore proposed a law, giving to the settlers, in case of eviction, the full value of his improvements and half the rise of the land.¹ A bill to this effect, had been introduced several sessions before, but being opposed by almost all the lawyers in the State, it was postponed to the October session of the Legislature, in 1784. The law, they said, makes every man a trespasser who enters on the land of another without license, and subject him to damages; instead of this, you would compel the legal owner to pay him a bounty for his trespass. The bill was taken up again at this session, when Nathaniel Chipman was a member. But although there was a majority in favor of the principles of the bill, giving to the settler a remedy for his "betterments" against the legal owner, on a recovery in ejectment, yet they were not able to agree on the details of the bill. No wonder, for it was a new case. They could avail themselves of no precedent; they could resort to no form. Not being able to pass the bill at this session, and feeling a pressing necessity of passing it as soon as possible, the legislature had an adjourned session at Norwich, in June, 1785, that they might have time to mature and pass the bill, afterwards called the quieting act. The bill was taken up at the adjourned session and referred to the committee, of which Nathaniel Chipman was a member.² When the bill

¹Mr. Chipman was not accurate in this matter, having probably written from memory many years after the event. The first act, 1781, left the court to decide the amount equitably; and the next proposed act allowed the increased value to be recovered, after having deducted six per cent. per annum on the original value of the land. The limitation to "half the rise of the land" first occurs in Judge Chipman's new bill, June, 1785. In fact, the description above fits Judge Chipman's bill rather than the Governor's.

²Judge Chipman was not a member of the committee which reported the bill in 1784, nor in June 1785 until the bill had been twice rejected, when he was one of the committee that reported the new bill which passed at that session. One writer of that time said that act was "framed altogether out of the three former;" but another complained that it materially reduced the amount recoverable in many cases. This complaint was well grounded, but the act probably was none the less just on that account. The act of June 1785 was printed in the newspapers, and the Assembly was censured by some for having passed it without submitting it to the people; and this possibly was one reason for its re-enactment, with amendments, in the October following.

came into his hands, he revised it in such a manner, that it passed the house by a decided majority. His strong sense of justice, and his comprehensive and discriminating mind, enabled him as a legislator to adapt the law to any new state of things with the same ease with which, in the administration of justice, he applied the principles of law to new cases when they occurred, in such manner as to do perfect justice between the parties. Thus a law was passed by the legislature of Vermont, perfectly novel in its character, yet so clearly founded on the principles of natural justice, that it has always been in great favor with the people of this state, and several of our sister states, availing themselves of our invention and our experience, have adopted the same system.

APPENDIX F.

VERMONT AT THE PERIOD OF SHAYS'S REBELLION— 1784 TO 1787.

In one particular the condition of Vermont at the close of the war of the revolution was superior to that of any of the confederated states: it had no state debt, having paid all its expenses in the war from the avails of sequestered tory property and grants of land, supplemented by a moderate issue of state notes which were honorably redeemed.¹ The taxes for the support of government were therefore comparatively light, and this fact, coupled with the high repute in which the soil was held, induced a large access to the population immediately after the war, which for a time added to the apparent prosperity of the state. There was another reason for speedy settlement, which is found in the conditions of the grants of a large number of townships, commencing with that of Montpelier in 1780. These were, that each proprietor, his heirs or assigns, should plant or cultivate five acres of land, and build an house at least eighteen feet square on the floor, or have one family settled on each right, *within the term of three years next after the circumstances of the war would admit of a settlement with safety*, on the penalty of the forfeiture of each respective right. The time began to run in 1783, and hence from that time for the succeeding three years, settlements were hastened as rapidly as possible, and doubtless in most instances the lands were purchased on credit. Then followed at once the burdens of surveying and allotting the land, the cutting of roads, subduing the wilderness, and erecting places of abode. Necessarily most of the people in all the new townships were burdened with debt and dependent upon the productions of the soil to pay their debts. Their markets were distant, and the cost of transportation great. The capital of the richest men was mainly in land, very few being able to loan money at any rate of interest however high, or on any security however good. Specie was rarely seen, and the paper currency was for the most part of doubtful value. It is evident therefore that creditors must have looked mainly to the land and its products for pay, and that enforced collections would in

¹ For a statement of the receipts of the State treasury for the years 1777 to 1786, see Vol. II, p. 64.

numerous cases deprive the debtors of homes and means of support. In these respects the people of Vermont suffered even more than those of the older neighboring States, and it is not surprizing that many complained, and some contemplated the same violent remedy that was attempted in other states, but rather that the emergency was so wisely met by the government and people of Vermont, and the attempts at violence so promptly and thoroughly suppressed.

In Dec. 1783, a correspondent of the *Vermont Journal* complained bitterly of the act of Oct. 21 1783, which levied sundry taxes. The section imposing a tax of ten shillings on each hundred acres of land in fifty-two towns named in the act, was specially condemned, one of the grounds being that the burden was heavier on sparsely settled towns than on those more populous. It is obvious, however, that as this was a tax upon the land, the burden must fall upon the owners, whether residents or not; and the act was unequal only as the lands varied in value. An appraisal would have been more just, but it was impracticable in unsettled and unorganized towns. The land in the older towns had been taxed by previous acts in the same way. Nevertheless this small tax was in many cases burdensome, and so far was a cause of discontent.

The next public expression of discontent is found in the *Vermont Gazette* of Jan. 31 1784, in an anonymous address, by "a poor Farmer;" to the inhabitants of the county of Bennington. The burden of it is in this extract:

More than one-half of the county tax that is to be raised in this county is to pay the court for sitting. I want to know what reason, right or justice there is that I and a number of other poor farmers, who owe nothing, and have less due, and who never had, nor ever expect to have any cause in that Court, should have to pay the cost of its sitting.

About the same time a number of the inhabitants of Wells, and towns adjacent, met in convention at Wells and adopted resolutions for a redress of grievances. These resolutions were not printed in either of the newspapers published in Vermont at that time, and their character is inferred from a Hudibrastic statement of them in the *Vermont Gazette* of Feb. 28 and March 6 1784, and the *Vermont Journal* of March 24 1784. The following brief extracts will suffice:

Whereas the Assembly of the State
Have dar'd audaciously of late,
With purpose vile, the constitution
To break or make a wicked use on,
By making laws, and raising taxes,
And viler still (so truth of fact is)
By keeping up that smooth tongn'd clan,
For ages curs'd by God and man,
Attornies, whose eternal gabble
Confounds the unexperienced rabble.

* * * * *

Then lawyers from the courts expell,

Cancel our debts and all is well—
 But should they finally neglect
 To take the measures we direct,
 Still fond of their own power and wisdom,
 We'll find effectual means to twist 'em.

This was the key-note of the subsequent rebellion of Shays and his followers in Massachusetts, and of many of the discontented in Vermont and other states.

In March 1785, the first Council of Censors was elected, and it proceeded in June and September of that year, and in February 1786, to a thorough scrutiny of the action of the state government, which resulted in a recommendation of a revized constitution, and the repeal or amendment of twenty-one acts of the General Assembly that were deemed to be unconstitutional or objectionable. Feb. 14 1786, the Council adopted an address to the freemen of the state, which was soon printed and distributed, and the severity of its censures added largely to the discontent of the people, provoking discussion in the two newspapers of the state and stirring up an active opposition to the government, aimed particularly against Gov. Chittenden and Ira Allen.¹ The last named published an elaborate defence of himself in both newspapers.² A reference to this is deemed to be sufficient; but Gov. Chittenden was also forced to appeal to the public in an address which, though brief, indicates the sources of discontent, and some of the modes of relief that were suggested. It was as follows:

An Address to the Freemen of Vermont—[by Gov. CHITTENDEN.]³

The distresses so much complained of in this State for want of a circulating medium, is partly occasioned by the devastations & distresses of the late war. Being a frontier, disowned and unprotected by the states in the union, and having no credit to enable us to borrow money, we were necessitated to pay our proportion of the great expence of the war as it arose, & while it has left on the United States a debt of 42,000,-375 dollars, exclusive of their own respective state debts, we have but a trifle to pay.

It appears that the State tax of the town of Stockbridge, in the county of Berkshire, [Mass.,] for the present year, is £746 15 more than that of the town of Bennington, which is near or quite as large as Stockbridge, £303 0 8 of which must be paid in hard money.

In the time of the war we were obliged to follow the example of Joshua of old, who commanded the sun to stand still while he fought his battle; we commanded our creditors to stand still while we fought our enemies. Tho' we had no power to borrow money, we had power to retain what we had, and improve it for the safety of the whole.* con-

¹ For record and address of the first Council of Censors, see Slade's *State Papers*, pp. 511-544.

² See *Vermont Gazette*, July 24 to Sept. 4, and *Vermont Journal* of Aug. 14 to Sept. 1786.

³ *Vermont Gazette* of Aug. 28, and *Vermont Journal* of Sept. 4 1786.

* For this and many other acts of the like necessity and importance to the very existence of the State, we are not only officially but severely censured.

sequently some of our people were left in debt and behind hand, and many were so harrassed and distressed by the war, that at the close of it, they were destitute of a supply of provisions, though by the blessing of heaven on their industry they have obtained a plenty now.

Another reason of our present distresses is, that since the close of the war, in lieu of exerting ourselves to the uttermost, to raise flax and wool and cloathe ourselves, we have purchased on credit too many articles of the growth and manufactures of foreign countries, by which means we have drained the State of nearly all the cash we had and a great part of our cattle, meantime we have been paying the taxes of other States, accumulating new debts, and flinging ourselves into the hands of the traders, lawyers and pettifoggers.

Law suits are become so numerous that there is hardly money sufficient to pay for entering the actions, not to mention the debts or lawyers and officers fees, yet as we have but few disputable causes, most of the time of the court is taken up in hearing what the lawyers call *shunage*, to avoid for the present, what is so much dreaded, executions; and many persons to prevent their estates being sold at vendue, are necessitated to subject themselves to the extraordinary expence of two or three executions for one debt before it can be settled. I have reason to believe, that the expence of law suits for two years past, has been nearly equal to that of any two years of the war, and for a remedy one cries a Tender Act, another a bank of money, and others, kill the lawyers and deputy sheriffs.

A remedy arising from either of these methods, without other exertions, will be but temporary; it might afford some respite at present, but would not remove the cause, and I know of no certain effectual method that can be taken to afford substantial relief, but by prudence, industry and oeconomy, and these must be encouraged by Government.

As this is an inland country, it is of course very expensive transporting our produce to market from many parts of the State & when we arrive there we must take and give their own price. It must therefore be for our interest to raise & manufacture every article this country will produce, and that may be in value nineteen-twentieths of our necessities, and purchase no more foreign goods than real necessity requires, until we have more articles for export, than the value of what we want to purchase. Then and not till then can we have specie for a circulating medium.

I agree with the hon. Council of Censors in rejecting the present mode of taxation; I view it neither just nor political; it is not only unequal, but being laid on the necessities of life tends to discourage industry, while the idle and litigious are preying upon us with impunity. I therefore most earnestly recommend it to you to consider whether it would not be wise and greatly tend to encourage prudence, industry, agriculture and manufacture to lay our taxes in future on lawsuits and such commodities as are imported into this State, excepting only such as are absolutely necessary, and that this State will not be apt to make too free use of, and out of the avails of these taxes give a bounty for the encouragement of raising sheep and flax, and where there are lands in new townships, that are not settled in proper time, either tax them or take the forfeiture.

It may be said this, or something like it might have answered our purpose had we set about it three or four years ago, and it may be of service now and help us by degrees, but it will not afford present relief: something must be done to prevent paying so much cost. Interest we can bear but the costs will ruin us. If we would sell our farms to pay our debts, the distresses are so great in other states there are no purchasers. I sincerely wish some method might be adopted to ease and quiet the

people, without either a tender act or making [paper] money; but if either must take place I prefer the latter for the following reasons; the fact is there are many who have good interests in land that have not wherewith to turn out to satisfy the demands on them, without distressing their families, or even with, therefore would be obliged to ward off their debts, as long as possible, and still continue to pay costs; it [this] would prevent but few suits, and be attended with great loss in different appraisals, driving cattle, &c.

If a small bank of money should be struck and loaned [by the State] to those that would take it on interest, to be paid annually, on such security and for such term as the Assembly shall think proper, and make it a tender on all debts on which a prosecution is or shall be commenced: the interest of the money and the money arising from the tax above mentioned, would pay the annual expences of government in times of peace, and soon redeem the notes and orders that are out; it would prevent four-fifths of the law suits, and some part of the sheriffs, their deputies, part of the constables, and all the pettifoggers might go to work.

If a bank must be made let it be small, make no other law to support its credit, let it solely depend on the foundation it is issued on, and the virtue of the people, and if we follow the example of some of our neighbouring states, all agree that it shall be good, it will be so; and if those who by the scarcity of money have the advantage of others, and wish to keep it, should be disposed to depreciate it they will be the greatest sufferers.

I am sensible that many objections may be raised against these measures, or any other that can be proposed, but as I have some reason to expect new measures will be urged at the next sitting of the assembly, and as I view it to be of the greatest importance to the future peace and happiness of the people, that they be well agreed in whatever measures they may think proper to adopt, therefore I earnestly recommend it to you to take these measures into your consideration, and give your representatives such instructions as you may think proper; by this means the Assembly may have the benefit not only of the sentiment but of the wisdom of the freemen at large, which may be of great service to enable them to come to such determinations as shall be for the peace and happiness of the whole.

You will also take into your consideration the matter of surveying town lines, which appears to be so disagreeable to some part of the people. I am not anxious as to the particular mode of ascertaining the lines, or of paying the expence, but I view it of great importance to the interest of the state that it be done so as to answer the purpose, as I am well assured there are hundreds impatiently waiting that event to become immediate settlers. I shall only refer you to the facts as stated and published by the Surveyor General.¹

THOMAS CHITTENDEN.

Meeting of Malcontents of Rutland County.²

We hear from Rutland, that on the 15th of August at the sitting of the supreme court at that place, there assembled nearly 200 gentlemen

¹This reference is to Ira Allen's address, which was then passing through the press.

²From the *Vermont Gazette Extraordinary* of Aug. 31, 1786.

farmers who were not directly touched nor infringed upon by those pick-pockets (which banditti is known by the name of Attornies.)

On said day there was a representation of ten towns in that county, manifesting a spirited resentment: that so many of the good subjects of this State were harrassed and confused, and put to extreme cost by those unhappy members of society.

The business of the day was performed with order and regularity, and nothing of a riotous or unlawful nature took place (saving the outcry murder by a quack whose staff fail'd him.) For which they gained the thanks of the Honorable Court.

The County Convention in and for the county of Rutland is to be holden at Mr. Gilmore's in Middletown, on Tuesday the 26th of September next.

Rutland County, August 19.

[P. S.] Take notice how you impose upon those who have passed thro' the wilderness, and endured fire, famine and the sword towards obtaining their own rights, and the liberties of mankind.

The newspapers of Vermont at that day contain no notice of the proposed convention at Middletown; but it is probable that there was a meeting, and a determination by it to appeal to the Legislature by petition for a redress of grievances, as this was soon afterward done by the freemen of eight towns respectively, in town meeting convened.

Action of the General Assembly, Oct. 1786.

From the *Assembly Journal* of Oct. 18 1786:

A petition Signed Edward Vail moderator and Thomas Tolman¹ town clerk, of Danby, one other Signed Lemuel Chipman moderator of Pawlet, one from Pittsford, one from Timmouth, one from Manchester, one from Rutland, one from Castleton, one from Clarendon and one from Wallingford with instructions from Pownall to their representative were severally read and referred to Messrs. Dewey, Brownson, Stevens, [Dr. Lemuel] Chipman, Hall, Thompson, Cook, Knoulton, Brigham, Emmons, Morey and Harvey.²

Eight of these papers set forth the grievances of the petitioners, and the purport of each is found substantially in the following copy of one of the eight:

To the Honourable the General Assembly to be holden in Rutland on the second thursday of Octobr Next—

The pertition of the Township of Pittsford County of Rutland humbly sheweth that whereas a number of the good people of this State have by the present mode of administration suffered much in their property by what appears to the Inhabitance of this Town (viz.) their apears to be needless Coast both by the present latitude granted to atornies at law sheriffs deputies and unnessary Cost to plaintiffs in suits for travil & attendance—and also by the maney abatements of writs nonsuits apeals and the Consequents delay of Justice therefrom arising and the law at present altering the nature of the Contract made by Contracting parties by Obloigeing the debtor where a suit is entered in law to pay the

¹An error: the signature on the petition is "Ebenr Tolman, Clerk."

²Messrs. Murdock, Porter, and Bayley were joined from the Council.

Creditors Cost for the sum in demand as the contracts were for produce or other property—and likewise by the present very unequal mode of taxation. Your petitioners therefore pray—

first that no plaintiff be allowed any Cost in any Civil action in any Court for his or her or their travel or Court attendance by him her or themselves or attorneys under any pretence whatever and that Every person or persons in this State may have liberty to prosecute their actions in all civil Causes by themselves or any such person as he or they shall Chose or orthorise by a power of an attorney for the purpose.

Secondly that all writs and Executions granted by any authority in this state be sewed and returned by the Constable where the defend^d dwells Excepting writs in Criminal actions and those returnable to the County and superior Courts may be served and returned by the sheriff or any Constable within the County—and that the service and return of all writs paid for from the place of servace to the place of return and no further and that the sheriff be not allowed any deputy in serving writs issued in civil actions.

3ly that Justises Courts of Equity who with a Jury if requested by Either of the parties in the suit may try all Causes where the demands of the plaintiff doth not Exceed ten pounds if the account be liquedated or the demand is by note or bond, if not liquedated the sum of six pounds only and the Judgments of such Courts to be final and dessisive without appeal or review to Either of the parties—and that the form of precepts for such Courts to be worded in an act for that purpose in such a manner their shall be no abatement of any writ in any such Court and if Either of the parties in such suits neglect or refuse to bring in their whole account and demands to be adjusted and finally settled by such Courts the person so neglecting or refusing may be forever foreclos^d the benefit of Collecting by law any such account.

4ly that in all Civil actions where it appears that the Contracting parties did at the time of Contract agree to pay and receive for the property bought and sold spece produce or other property for payment Either by bond note or Evedance of their agreement such species produce or other property and as Contracted for may be a tenderry for the payment of such debts or dues Either at the time agreed to for payment or at any time after the Commencement of a suit for such debts at the aprisal of men and all book debts where the plaintiff Cannot prove he was to have Money for such debts may be satisfied with beaf pork butter Cheese wooll flax grane or Neat Cattle at the aprisal of men.

5ly and that the Expençe of government which at present is laid on articuls of necessity in a very unequal manner by which the burden of the State Expençe is laid on the midling farmer and labouring poor man may hereafter be paid by owners of property in proportion to the true value of the property protected Excepting of necessity such as Sheep wooll flax and one Cow to Each famley all year old Cattle and such things as may incourage agriculturne arts and Ciencies and manufacturies with an intire Exemption of the poles of minors.

6thly That the act Intituled an Act Appointing and regulateing Attornies be appeal^d.

as your Pertitioners in Duty Bound Shall Ever pray.

Voted in Town meeting at Pittsford this 11th Day of October 1786.

Attest

BENJA COOLLEY T. Clerk.¹

¹ *Vt. ms. State Papers*. Vol. 17, p. 209. For the petition of Rutland, see same volume, p. 169; of Tinmouth, p. 182; of Danby, p. 191; of Castleton, p. 194; of Pawlet, p. 199; of Wallingford, p. 206; and of Manchester, p. 208.

In response, two acts were passed: one making all such articles a tender upon execution to the inhabitants of other states as were a tender in their respective states; and the other, compelling creditors to receive specified articles in payment after the time limited in the contract.¹ Further to appease discontent, four propositions were submitted to the people, to be accepted or rejected by them by yeas and nays, which were to be taken on the first Tuesday in January, 1787; and the General Assembly adjourned to the 15th of the succeeding February, to receive and act upon the votes of the people. Of the spirit and temper prevailing in the legislature in October, 1786, DANIEL CHIPMAN gave the following account.

In the year 1786, the embarrassments and sufferings of the people, which have been adverted to, had increased and their passions had become more and more inflamed, until open resistance to the execution of the laws was apprehended. And when the legislature convened in Rutland in October, it appeared that the passions, prejudices and turbulence of the people were fully represented in the numerous house of representatives. Unfortunately, the constitution had provided no check upon that house, and, as was foreseen, it proved a stormy session. They passed, what was afterwards called, a specific tender act, obliging the creditor to receive on execution, at their appraised value, such articles of personal property as the debtor had contracted to pay.² But this was not satisfactory to those who were as destitute of such articles of property as they were of money. Some were clamorous for a general tender act, obliging the creditor to receive on execution any articles of personal property which should be tendered by the debtor. Others strenuously insisted on a bank of paper money, and there was great reason to fear that one or both these measures would be adopted by the legislature. Nathaniel Chipman, who was in Rutland at the time, and who had witnessed the temper of the legislature, became alarmed, being fully satisfied that the measures proposed, if adopted, must greatly increase and prolong the sufferings of the people. Being extremely anxious to devise some means by which these evils might be averted, he requested the following members of the legislature to meet at his room the next evening to hold a consultation on the subject, namely, Gideon Olin, of Shaftsbury, Elijah Dewey, of Bennington, Lemuel Chipman, of Pawlet, and Thomas Johnson, of Newbury. The first question which occurred, after they came together, was, Are there any other members of the legislature who can be trusted, and safely admitted to join in our deliberations? Several members were named, but not one, who in the opinion of those present, could be safely admitted. They were, therefore, compelled to rely on their own influence to carry such measures as they should devise. They then took a view of the whole ground; the grievances of the people, both real and imaginary, their inflamed passions and the turbulent spirit of a great portion of them, the violence of the legislature, and the destructive nature of the measures which were proposed, and the probability of their adoption, unless they could be postponed. They unanimously agreed that the popular current was too strong to be resisted; that should they attempt to do this they would be swept along with it, and only add to its momentum, and render it more

¹For these acts, see Slades's *State Papers*, pp. 504 and 508.

²See *ante*, pp. 115, 116.

destructive; and that they could therefore do nothing to any good purpose, unless they could devise some means by which the proposed measures might be postponed until the passions of the people should have time to cool. Having this view of the subject, they drew up the resolution and preamble, as stated in Thompson's Civil History of Vermont, page 79. The next day the resolution was introduced, and in support of it it was observed, that the sufferings of the people had become so severe, that some relief was absolutely necessary; and the great and important question was, what is the best mode of granting relief? Of this the people themselves are the most competent judges—it ought, therefore, to be submitted to their decision.

Some of the principal supporters of the measures before the legislature perceived the design of those who supported the resolution, that their sole object was to delay and finally defeat their favorite measures. But those who supported the resolution, having the democratic side of the question, prevailed; the resolution passed, and the whole subject was postponed until the next session. I perceive here this singular coincidence. The above-named resolution passed on the 31st day of October, and on the same day a mob assembled at Windsor to stop the sitting of the county court.

The preamble and resolutions, referred to by Mr. Chipman, were not entered on the journal of the Assembly, probably for the reason that they had been printed for the information of the people before the proceedings of the session were entered on the journal. They are as follows:

STATE OF VERMONT.

GENERAL ASSEMBLY, Rutland, October 31st, 1786.

Whereas this assembly, having a sincere desire to gratify the wishes of the freemen of this State where they consistently can, and more especially in matters of importance; and also having regard to the principles of justice and the constitution, and considering the present extreme scarcity of money, have in this session passed an act obliging creditors to accept of the produce, wares and manufactures by them contracted for, after the times limited in lieu of money—which this assembly consider to be more satisfactory to the wishes of the people, and agreeable to the standard of unerring rectitude than altering the voluntary contracts made by parties, and obliging persons to accept of a fluctuating paper currency or other articles of less value than was originally agreed on:¹ And it being suggested by some persons that the freemen at large would prefer the emission of a paper currency, or an extension of the present act, commonly called the tender act, down to the present time, or a general tender act, to the said act now passed: to the end therefore, that the sense of the freemen may be properly and impartially known,

Resolved, That the first constable of each incorporated town in this state, be and is hereby directed personally to warn all the freemen in his town, at least six days before the first Tuesday in January next, to meet at the usual place of holding freemen's meetings, at ten o'clock in the forenoon, then and there to express their sense of the expediency of emitting a small bank of paper money, on loan or otherwise, or bring-

¹ Another act of this session was important for the relief it gave to grantees. It prolonged the time for settlement for three years after the lines of the towns had been run.

ing the present Tender Act to the end of the next session of assembly: And also upon the expediency of making any further, and what laws upon the subject. And that the said constable take the YEAS and NAYS upon each question, relating to the premises, which the freemen shall then think proper to take under their consideration, and them to transmit sealed to the speaker of the general assembly, at the opening of the next adjourned session thereof. And further,

Resolved, That where there is no constable in a town or he shall be unable to attend said business, the selectmen of such town transact the business enjoined herein upon the constable: Also

Resolved, That the preceding resolutions be published, in both of the newspapers of this state, and that a competent number be printed in hand-bills, and sent forthwith to the several sheriffs, who are hereby directed to deliver one copy thereof to the first constable or Selectmen of each incorporated town in their respective counties.

Extract from the Journals,

R. HOPKINS, Clerk.¹

ATTEMPTED INSURRECTION IN WINDSOR AND RUTLAND COUNTIES.

The Windsor paper of November 6, [1786.] mentions, that on the Tuesday, before, being the day assigned by law for the sitting of the court of Common Pleas, for that county, in that town, a Mob, about thirty, under arms, headed by Benjamin Stebbins [farmer, of Barnard.] and Robert Morrison, [blacksmith, of Hartland,] assembled, supposed with a design to stop the Court. The Sheriff [Benjamin Wait,] and State's Attorney, [Stephen Jacobs,] waited on them, ordered them to disperse, and read the riot act, &c. The insurgents finding their views baffled, dispersed, and the court proceeded to business without molestation.

The same paper of the 20th instant [Nov. 1786] mentions, that at their late session [Nov. 14 1786] of the Superior Court Robert Morrison was taken for a riot.² He plead guilty and threw himself on the mercy of the court, who sentenced him to suffer one month's imprisonment, procure bonds of one hundred pounds for his good behaviour for two years, pay a fine of ten pounds and costs of suit. The mob hearing of the matter, sent to their friends & assembled at the house of Captain Lull, in Hartland, to the number of 30 or 40 under arms, intending a rescue. The court being informed of this, ordered the Sheriff to collect assistance, proceed to the place and conduct the insurgents to prison, which, after a short scuffle with bayonets, the breeches of guns, clubs, &c., was happily effected without the loss of a life.³ Twenty-seven of the insurgents were taken and bro't to goal, most of whom plead guilty and were sentenced to pay fines, costs of court, and procure bonds for their good behaviour for one year.

On hearing of other hostile movements, the militia were called for and turned out in such numbers, that the insurgents did not think proper to make their appearance.⁴

¹ *Vermont Gazette* of Nov. 13, and *Vermont Journal* of Nov. 20, 1786.

² Present Paul Spooner, chief judge, Nathaniel Niles, Nathaniel Chipman, and Luke Knoulton.

³ Sheriff Waite and State's attorney Jacobs were both wounded, but not severely.

⁴ *Vermont Gazette* of Nov. 27 1786. For other details in this affair, see B. H. Hall's *Eastern Vermont*, pp. 548-551.

BENNINGTON, Nov. 27 [1786.]

Copy of a letter to the Printers, dated RUTLAND, Nov. 23.

On Tuesday the 21st instant, the honorable county court for the county of Rutland, met according to law. At the same time there appeared a considerable number of people about the court-house, some of whom were armed with bludgeons &c. The court was opened at 11 o'clock A. M. and adjourned to 2 o'clock P. M. Soon after the adjournment, several persons, who called themselves a committee from the people, waited on the judges of the court, with a petition requesting them to adjourn without day. The committee were informed that after calling the docket, and attending to the necessary business of the day, their request should be taken under consideration. No sooner was the court opened in the afternoon, than a certain Col. Lee, [Col. Thomas, of Rutland,] who not long since, had discharged himself from prison, by being admitted to the poor man's oath, followed by about an hundred malcontents, rushed into the court-house, and, in a most insolent and riotous manner, began to harangue and threaten the court, for not adjourning agreeably to the request of their committee. The court ordered the sheriff to adjourn 'till the next day at 9 o'clock in the morning, which was done: The mob then refused to let the court depart from the court-house; called for arms, which were immediately brought them from a neighbouring house, where it seems they were lodged for the occasion: centries were placed at the doors and around the house, and the sheriff, judges and a number of gentlemen attending the court, were made prisoners, and kept in close confinement for about two hours. The mob, finding the judges not easy to be intimidated, then suffered them to depart. The committee again waited on the judges at their lodgings, and renewed their request, and received for answer that it could not be complied with; that not only their oath and duty, but the honor and dignity of government, obliged them to proceed to the necessary business of the court.¹ This answer, through the insinuations of designing men, so irritated the rioters, that they resolved, at all hazards, to prevent the sitting of the court the

¹The reply of the court was as follows:

RUTLAND, Nov. 21, 1786.

The Judges of the county court, in and for the county of Rutland, having taken under their consideration, the petition of a number of the inhabitants of said county, in which it is requested that this court adjourn without doing any business, the court find on examination of the docket, that a large number of causes are in suit, in which the plaintiffs and defendants are mutually agreed to come to a decisive trial this session, and some other matters of such importance, to the peace, dignity and interest, of the good people of this county, are depending, that the court cannot, agreeably to the tenor of their oaths and commissions, and the general good of this county, comply with the aforesaid requisition; notwithstanding, this court would not wish to try any causes at this term, but such as, in the opinion of the court, are necessary to preserve the peace, happiness and dignity of this county in particular, and the constitution and state of Vermont in general.—*Vermont Gazette* of Dec. 11 1786.

The court consisted of judges Increase Moseley of Clarendon, Samuel Mattocks and Ebenezer Marvin of Tinmouth, and William Ward of Poultney; clerk, Rev. Obadiah Noble of Tinmouth; state's attorney, Darius Chipman of Rutland; and sheriff, Jonathan Bell of Rutland. The answer of the court was of course given by its chief, Judge Moseley

next day. With an armed force they took possession of the court-house, sent dispatches for a reinforcement of their party, &c. In the meantime orders were sent to Col. [Isaac] Clark and [Stephen] Pearl, and Lieutenant Colonel [John] Spafford, by the sheriff, to raise the militia of the county without loss of time, to come to his assistance in support of government, with three days provision.

These orders were given about 8 or 9 o'clock in the evening, and were executed with such dispatch, that by nine o'clock the next morning, Col. Clark and Pearl appeared with sufficient force to protect the court from any further insult.¹ The militia continually coming from every quarter, the mob thought best to leave the court-house early in the morning, but continued on the ground, to the number of about 150, all day; but made no attempt to stop the court. Just at evening, seven or eight of their leaders were taken and committed to goal; Lee, however, had made his escape. Captain [Benjamin] Cooley of Pittsford, who commanded about 30 or 40 of the insurgents, had retired to a house [Roswell Post's,] about a mile distant from the court-house. Capt. [Noah] Lee of the horse and Lieutenant James Sawyer, a volunteer, were sent with a party of sixteen men, to take and secure them. The insurgents finding themselves in danger, made considerable resistance; several guns were discharged on both sides. But the affair was conducted with so much prudence and firmness on the part of government, that the whole of Capt. Cooley's party, except 2 or 3, who made their escape at a window, were made prisoners. One man only, on the part of government, received a slight wound; one of the mob had had his arm broke in attempting to escape.² Several stragglers have since been taken up. The court are now on their trial. Most of the mob were boys, and men of low character, who most probably have been misguided by the base insinuations of a few pestilent demagogues.³

Both officers and soldiers on this occasion behaved with the greatest prudence, firmness and determination, which reflects the highest honor on themselves, and merits the warmest thanks of all honest men.⁴

The foregoing account covers substantially the events of the 21st and 22d of November. From a detailed account of succeeding events in Caverly's *History of Pittsford* the following is gathered. On the 23d,

¹ In Hollister's *History of Pawlet*, pp. 220 and 221, it is stated that Col. Pearl "was in command to suppress the 'Rebellion' at Rutland in 1786;" and that to the requisition for troops, "Pawlet, though farthest off, was the first to respond, her quota of troops being first at the rendezvous." Col. Clark seems, however, to have been the senior officer in command.

² Nehemiah Hopkins, Jr., of Pittsford, a member of the mob, received a shot which shattered his right arm from the elbow to the wrist. Amputation was successfully performed the following day by Drs. Ezekiel Porter and Daniel Reed of Rutland.—Doct. Caverly's *History of Pittsford*, p. 252.

³ Doct. Caverly names six persons from among the most valuable men of Pittsford who were engaged in this affair, and suggests that they were sufferers in the hardships of that day, and misled, for lack of proper information, by another prominent man of the town—Jonathan Fassett; of whom more anon.—See *History of Pittsford*, pp. 257, 258.

⁴ *Vermont Gazette* of Nov. 27 1786.

Jonathan Fassett, Ebenezer Drury, Dan Barnard, Reuben Allen, Jonathan Swift, Simeon Tupper, Jonathan Rowley, Benjamin Cooley, all of Pittsford, Gideon Horton, Nathan Daniels, of Brandon, and William Roberts, Benjamin Whipple and Silas Mead, of Rutland, were arraigned before the court on an information filed by the state's attorney, and all but Rowley and Horton were tried, convicted, and sentenced to fines of from £25 to £6 each, to pay costs £1 2 6 each, and to give bonds for good behavior in sums from £150 to £50 each. The highest fine and bond were exacted of Jonathan Fassett, thus marking him as a leading man in the affair. The delinquents declared themselves dissatisfied with the judgment and were permitted to enter an appeal to the then next session of the Superior Court.

The rebellion being considered effectually crushed, on Saturday afternoon [25th] the militia were assembled, and after being addressed by Col. Clark were discharged. But it was so near dark that they remained over night, and on Sabbath morning started for home. As the militia, returning westward, arrived at Pine Hill, they were informed that some two hundred malcontents were assembled at Col. James Mead's, west of Otter Creek. On the reception of this intelligence the Court issued orders for the immediate recall of the militia and for reinforcements from other parts of the county. Col. Pearl, who had gone southward, immediately returned with the militia under his command, and receiving large reinforcements from the west, halted at Blanchard's Corners in West Rutland, while the militia from the east proceeded to Center Rutland and, placing a strong guard at Otter Creek bridge, halted there during the day, thus placing the insurgents in a very unenviable position between two formidable forces. During the latter part of the preceding week, some of the most active in instigating the rebellion, had traversed the neighboring towns, falsely charging the Court with dealing fraudulently with the Regulators, and with treating the prisoners with the most outrageous cruelty. The result of these charges was that even the most candid and conservative portion of the people were aroused to the highest state of indignation. Acting from the impulse of feeling created by what they were made to believe were the acts of an unjust and tyrannical Court, the assemblage at Col. Mead's had convened to inaugurate active measures for redressing their wrongs. Sunday was improved by several friends of law and order, in efforts to convince the malcontents that many of the evils of which they complained did not exist; that for such as did exist, the Court was in no way responsible; that the prisoners had been kindly treated; and that the Court and the government had a common interest in doing all in their power to relieve the sufferings of the people. They were told that they had been misinformed, that they had been imposed upon by a few artful and designing men, and that the course they were pursuing, if persisted in, must inevitably result in bloodshed and ruin. These efforts were attended with gratifying success; the Regulators were convinced that they had been made the dupes of a gross imposition; and as candid and honest men they not only abandoned the object of their enterprise, but even joined the militia under Col. Clark in defence of the Court and the laws. Monday morning, all being again quiet, and no further use for the militia being anticipated, they received the thanks of the Court and were dismissed.¹

¹Caverly's *History of Pittsford*, pp. 255, 256.

Action of the General Assembly of Vermont on the attempted Rebellion, &c.

IN GENERAL ASSEMBLY: Feb. 19 1787.—On motion made by Mr. [Col. Gideon] Brownson seconded by Mr. [Capt. Elijah] Dewey that Jonathan Fasset Esq^r may be suspended from taking his seat in this House until to-morrow morning in order that they may bring in and support a complaint or impeachment against him for aiding and assisting the mob which assembled at Rutland in November last with intention to stop the County Court from sitting in that place—thereupon Ordered that Mr. Fasset be suspended from taking his seat in this House until the opening of the House tomorrow morning accordingly.

A petition signed by Thomas Sawyer for the people dated Feby. 1st 1787 praying that the rioters taken at Rutland in November last might be discharged from their bonds and fines and that a compensation might be allowed to Nehemiah Hopkins [Jr.] for the wound he received while under the command of Capt. Cooley &c. was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration state facts and make report—the members chosen Mr. Goodrich, Mr. B. Burt, and Mr. Cook.¹

Feb. 20.—The following complaint was read in its order viz.

“To the Hon^{ble} Gen^l. Assembly now sitting—

“Gideon Brownson Esq^r complaining saith that Jonathan Fasset, Esq^r of Pittsford in the County of Rutland & representative to this Assembly for said town of Pittsford for the present year. hath, during and since the session of this Assembly in October last by seditious speeches misrepresenting the proceedings of this Assembly at their said session among the good people of this State endeavoured to influence the minds of the citizens of this State against the proceedings of this Assembly at their said session—and did excite them to mutiny and riot & sedition against the Laws & Government of this State, and did on the third Tuesday of November last excite encourage aid and abet a large number of the Inhabitants of Rutland County then notoriously and seditiously assembled at said Rutland to oppose the sitting of the County Court for the County of Rutland then and there to be holden according to Law—all which conduct of Jonathan Fasset is contrary to & in violation of a duty & obligation of a member of this House.—Your complainant therefore moves that enquiry may be had into the conduct of the said Jonathan & he dealt with according to the rules & regulations of this House. (Signed) G. BROWNSON.”

The question being put to Mr. Fasset whether he plead guilty or not guilty to said complaint—he answered *not guilty*—And on motion made & agreed to by Mr. Fasset—Ordered that Wednesday morning of next week at the opening of the House be assigned to take said complaint under consideration and that Mr. Fasset be suspended until that time from taking his seat in this House—And that the states attorney for the County of Rutland be requested to bring forward the evidence to support said complaint.

Feb. 21.—Resolved that a Committee of six be appointed to receive sort & count the yeas & nays of the freemen for paper money. tender

¹ Messrs. Bayley and Safford were joined from the Council. Cooley commanded the Pittsford section of the mob, and Hopkins was wounded at the time this party was captured by the state militia. Subsequently, Capt. Cooley put himself and party into the service of the State under Col. Clark, and doubtless this fact was plead in support of the petition.

acts &c. and make report--members chosen Mr Goodrich, Judge Ward, Mr Butterfield, Mr B. Burt, Mr Parkhurst & Mr Bliss.

Feb. 22.—The Committee appointed to receive sort and count the votes on the several questions relative to paper money &c. made their report which was read and not accepted, and

Ordered that the Clerk of this Assembly be directed to sort and count the same and make report tomorrow morning.¹

Feb. 23.—Agreeable to order the Clerk made the following report or stating on the several questions relative to paper money, tender acts &c., which was read in its order viz.—

It is deemed unnecessary to give the results in the several towns [sixty-eight] which voted, The Clerk's footings by Counties were as follows:

Counties.	Paper Money.		General Tender Act.		Extension of Tender Act of 1789.		Fulfillment of Contracts.		Tender Act, articles mentioned.		Laws as they now stand.		Land to be tendered.	
	Yeas.	Nays.	Yeas.	Nays.	Yeas.	Nays.	Yeas.	Nays.	Yeas.	Nays.	Yeas.	Nays.	Yeas.	Nays.
Bennington	151	446	36	327	—	—	54	29	35	3	—	—	—	—
Rutland	75	524	18	254	168	150	231	95	—	—	46	—	—	—
Windham	119	498	16	82	87	166	205	44	29	21	104	—	21	—
Windsor	29	558	35	70	208	243	256	58	45	20	45	—	—	—
Orange	69	76	11	40	52	26	69	3	—	—	—	—	—	—
Addison	17	65	11	8	24	6	29	—	21	—	—	—	3	—
Total	456	2197	128	781	419	591	835	229	129	44	195	—	24	—

Feb. 28.—Agreeable to order the House took under consideration the complaint of Col^o Brownson against Jonathan Fasset Esq^r which was read & Mr Fasset not appearing, the evidence in support of the complaint being heard—the question was put whether said complaint is supported and that Jonathan Fasset Esq^r be expelled from his seat as a member of this House—the yeas & nays on the question was required by Mr Freeman. They stand as follows viz.²

YEAS—Elijah Dewey of Bennington, Silas Goodrich of Manchester, Benjamin Gardner of Pownal, Gideon Olin of Shaftsbury, Oliver Smith of Stamford, Nathan Canfield of Arlington, Gideon Brownson of Sunderland, John Gray of Dorset, David Sheldon of Rupert, Joseph Bristol of Sandgate, John Stevens of Rutland, Lemuel Chipman of Pawlet, John Burt of Danby, Ebenezer Marvin of Tinmouth, Joseph Randall of Wallingford, Abel Merriman of Wells, Daniel Marsh of Clarendon, William Ward of Poultney, Brewster Higley of Castleton, Ichabod Robinson of Shrewsbury, Asahel Smith of Benson, John Mott of Brandon, Cephas Carpenter of Ira, Ebenezer Wilson of Orwell.³ Benjamin Burt

¹ Probably the committee did not make a detailed report of the several votes by towns and counties, as was done by the Clerk.

² The Assembly journal does not contain a roll of the members for Oct. 1786 to Oct. 1787, and it is therefore deemed best to give the names and residence of those voting on this occasion. This has been done from a roll printed in the *Vermont Gazette* of Nov. 20 1786, supplemented by the names in the Assembly journal of a few members who did not take their seats until February 1787.

³ Took his seat Feb. 15 1787.

of Westminster, Phineas Freeman of Marlborough, John Bridgeman of Hinsdale [Vernon,] Joseph Clark of Brattleborough, Leonard Spalding of Dummerston, Daniel Jewett of Putney, Samuel Taylor of Rockingham, Hubbell Wells of Halifax, Peter Briggs of Guilford, James Roberts of Whitingham, Jesse Cook of Wilmington, Edward Aiken of Londonderry, Aaron Hudson of Wardsborough, Ebenezer Burgess of Thomlinson [Grafton,] William Ward of Newfane,¹ Briant Brown of Windsor, Abner Bisbee of Springfield, Joseph Hubbard of Weathersfield, Dan Davison of Hartland, Paul Brigham of Norwich, Daniel Heald of Chester, Benjamin Emmons of Woodstock, John Weld of Reading, Abida Smith of Pomfret, Beriah Green of Barnard, John Coffeen of Cavendish, Calvin Parkhurst of Royalton, Mr. Bliss,² Eleazer Rosbrook of Lunenburg, James Steele of Randolph, Timothy Bartholomew of Thetford, Hiland Hall of Cornwall, Phineas Brown of New Haven, Peter Ferris of Panton, Samuel Lane of Burlington, Thomas P. Lloyd of Missisko Tongue [Alburgh,] Jedediah Lane of Jericho, Jonathan Pierce of Brookfield, Thomas Butterfield of Colchester,³ and James Carpenter of Sharon.—[64.]

NAYS—none.

So it passed unanimously in the affirmative.⁴

March 1, state's attorney Darius Chipman reported the costs of the investigation to be £9 10 7, which the treasurer was authorized to pay, and the attorney was directed to collect the same amount from Fassett.⁵

The man who of all others did most to promote a spirit of discontent and rebellion in Pittsford was, undoubtedly, Jonathan Fassett. He was one of the early settlers, a large land-holder, quite loquacious, took a prominent part in the transaction of the public business, and, up to this time, appears to have had the confidence of his townsmen, by reason of which he had three times represented them in the General Assembly of the State, and had but recently been elected for a fourth term. He had also held the offices of Justice of the Peace and County Judge. It is

¹Took his seat Feb. 15 1787, in place of Luke Knoulton.

²Peletiah Bliss of Mooretown [Bradford,] and Samuel Bliss of Strafford were both members. Of course it is impossible to determine which one of the two voted.

³Took his seat Feb. 20 1787.

⁴The members absent, or not voting, were Jonathan Brewster of Middletown, Matthew Lyon of Fairhaven, David Hecock of Hubbardton, Jonathan Fassett of Pittsford, Edward Aiken of Londonderry, James Shafter of Athens, Elisha Marsh of Hartford, Nathaniel Throop of Bethel, one of the two Messrs. Bliss, John Rich of Guildhall, James Whitelaw of Ryegate, Alexander Harvey of Barnet, John Strong of Addison [transferred to the Council,] Nathan Manley of Bridport, John Smith of Leicester, Gamaliel Painter of Salisbury, Abel Thompson of Ferrisburgh, Ebenezer Allen of the Two Heroes, Jonathan Spafford of Williston, and Dubartus Willard of Essex.—20. It is believed that these names, with those voting yea, give a complete roll of the Assembly.

⁵See ms. *Assembly Journal*, Vol. 3, pp. 90, 91, 95-6, 102, 110, 112, 131-2, 134-5.

not our purpose to discuss his motives, whether honest and conscientious, or selfish and vindictive ; but that he, by his personal influence and public harangues, did more than any other to array the people of the town against the Court, there is no room for doubt. It is creditable to those whom he had deceived that their minds were open to conviction, and that as soon as convinced of their error, they deplored the course they had taken, and became law-abiding and law-sustaining citizens ; while the man who had deceived them and been the principal cause of their disgrace, never afterwards received much favor at their hands.—Caverly's *History of Pittsford*, p. 258.

In ASSEMBLY : March 5.—On motion made by Col^o. Lyon, Resolved that this House entertain a high sense of the services done this State by the officers & soldiers whose spirited exertions crushed the late daring insurrection against Government in the counties of Rutland & Windsor & do hereby return said officers & soldiers their hearty thanks.¹

An Act for the prevention and punishment of Riots disorders and contempt of authority.—Passed March 8th 1787.

For the better Suppressing of Riots disorders and contempt of authority,

Be it enacted, &c. that if any person or persons shall impede or hinder any officer judicial or executive civil or military under the authority of this State in the Execution of his office he or they shall on conviction thereof pay a fine not exceeding fifty pounds each and if any person who shall be thereof convicted shall not be of sufficient ability to pay such fine and costs of prosecution it shall be in the power of the Court before whom such conviction shall be had to assign such person in service to any Citizen of this State for so long time as shall be sufficient for payment of the fine and costs aforesaid. And if any person shall be a second time convicted of the like offence he shall pay a fine not exceeding fifty pounds and shall be imprisoned in any Goal in this State for one whole year and if he be not of sufficient ability to pay such fine and cost he shall be liable at the expiration of his said imprisonment to be assigned in service as aforesaid.

And be it further enacted, &c. that if any person or persons shall directly or indirectly break open or aid or assist in breaking open any Goal or place of confinement wherein any prisoners shall be confined by the authority of this State he or they shall on conviction thereof pay a fine of fifty pounds to the Treasurer of the County where such offence shall be committed and lie in prison six months and for a second offence of a like nature shall pay a fine of fifty pounds & be imprisoned one year.

And be it further enacted, &c. that when three persons or more shall come or assemble themselves together to the intent to do any unlawful act with force and violence against the person of another or against his possession or goods wrongfully or to do any unlawful act against the peace or to the manifest terror of the people and being required or commanded by any of the civil authority by proclamation to be made in the form herein after directed shall not disperse themselves and peaceably depart to their habitations or lawful business or being so assembled as aforesaid shall do any unlawful act against the person possession or goods of any man or against the Peace and be thereof convicted before any Court proper to try the same shall be punished by fine not exceeding thirty pounds or imprisonment not exceeding six months and pay cost of prosecution.

¹Ms. *Assembly Journal*, Vol. 3, p. 141.

That the order and form of proclamation mentioned shall be as follows, That is to say the person authorized by this act shall among or as near as he or they can safely come to said rioters with a loud voice command or order silence to be made whilst proclamation is making and after that shall openly and with a loud voice make proclamation in these words or like in effect viz. "In the name of the State of Vermont I command all persons being assembled immediately to disperse themselves and depart to their habitations or other lawful business upon the pains contained in the law of this State entitled 'an act for the prevention and punishment of Riots Disorders and contempt of authority.'"

And every Justice of Peace, Sheriff, Deputy Sheriff or Constable within their respective jurisdictions are hereby authorized, empowered, and required on notice or knowledge of any such unlawful and riotous assembly to resort to the place where such assembly shall be and there make proclamation as aforesaid.

Be it further enacted, &c. that if such persons so unlawfully assembled, or any three or more of them after proclamation made as aforesaid shall continue together and not disperse themselves that it shall and may be lawful to and for every Justice of the Peace, Sheriff, Deputy Sheriff or Constable where such riotous assembly shall be and to and for every other person or persons who shall be commanded to be assisting to such Justice of the Peace, Sheriff, Deputy Sheriff or Constable (who are hereby authorized and empowered to command all or any of the Inhabitants of this State to be assisting them therein) to seize and apprehend and they are hereby required to seize and apprehend such persons so unlawfully and riotously continuing together after proclamation made as aforesaid and forthwith to carry the persons so apprehended before some Justice of the Peace in order to their being proceeded against according to Law.

And if any of the persons so unlawfully and riotously assembled and continuing together as aforesaid to the number of twelve for the space of one hour after proclamation made as aforesaid shall happen to be killed maimed or hurt in dispersing or apprehending or in endeavouring to disperse or apprehend them by reason of their resisting the persons so dispersing or endeavouring to disperse or apprehend them then every such Justice of the Peace Sheriff Deputy Sheriff or Constable and all and singular the persons aiding or assisting to them or any of them shall be freed discharged and indemnified from any bill complaint indictment or action that may be commenced against him or them on that account.

Be it further enacted, &c. that if any person or persons do or shall forcibly wilfully and knowingly oppose obstruct or in any manner wilfully and knowingly oppose let hinder or hurt any person or persons that shall begin or attempt to make proclamation hereby directed to be made whereby such proclamation shall not be made and be thereof convicted by due course of Law he or they shall forfeit or suffer in manner and form as last aforesaid.

And that all and every such person or persons so being unlawfully and riotously assembled to the number of three or more to whom proclamation should or ought to be made if the same had not been hindered as aforesaid shall likewise in case they or any of them to the number of three or more shall continue together and not immediately disperse themselves after such let or hindrance so made having knowledge thereof and be thereof convicted in due course of Law shall forfeit and pay a fine not exceeding thirty pounds or be imprisoned six months and pay cost as aforesaid.

Provided always that no person or persons shall be punished by virtue

of this act unless prosecution be commenced within six months after the offence is committed.

At the same session three acts were passed specially pertinent to the exigencies of the time: one making neat cattle, beef, pork, sheep, wheat, rye, and corn a lawful tender; another providing for the fulfillment of contracts past due according to the original intent of the parties; and the third putting subjects of the United States upon the same footing, in suits at law, in which the citizens of Vermont were put by the laws of the respective states. Moreover, in the general revision of the statutes at that session, due regard to the grievances of the people was indicated in various statutes, one of them being a reorganization of the whole judicial system. By thus tempering justice with mercy, public order was maintained, and the government was enabled to render assistance to Massachusetts in bringing her rebellious citizens into subjection to the civil power.

AID TO MASSACHUSETTS IN SHAYS'S REBELLION.

IN COUNCIL, *Feb. 17 1787*.—The petition of Royal Tyler Esq^r.¹ Commissioner from Major General [Benjamin] Lincoln in behalf of the Commonwealth of Massachusetts, requesting the assistance of this Government in apprehending certain Characters Insurgents & Rebels against the authority of said Commonwealth, who have Taken Shelter in the State of Vermont, the same being read in Council, it is Resolved that Mr. Tichenor wait on the General Assembly with said petition.²

IN ASSEMBLY, same day. —A letter from Major R. Tyler Aid-de-Camp to General Lincoln stating the situation of the insurgents &c. in the State of Massachusetts and requesting the aid of this Commonwealth in apprehending some of the principle [principal] insurgents who have fled from justice into this State &c. was read and referred to a Committee of twelve to join a Committee from the Council to take the same under consideration and report their opinion to this House.—The members chosen Mr. Goodrich, Mr. Brownson, Mr. Chipman, [Doct. Lemuel, of Pawlet,] Mr. Marvin, Mr. Hall, Mr. S. Lane, Mr. Freeman, Mr. Brigham, Mr. Bridgman, Mr. Weld, Mr. Steele & Mr. Peirce.³

IN COUNCIL, *Feb. 23 1787*.—A Letter from the Hon^{ble} Major General Lincoln to his Excellency Governor Chittenden, inclosing a Proclamation, offering to recommend the Insurgents in Massachusetts for Pardon⁵

¹ Hon. ROYALL TYLER, of Brattleborough at a later date; for twelve years judge of the Supreme Court, for six of which he was chief justice. —See *Eastern Vermont*, pp. 708-718.

² Feb. 26 1787, it was reported in Bennington that on the 17th a troop of horse from Massachusetts visited Marlborough, Vt., in search of Luke Day; and on being questioned as to their authority, replied that they had license from Gov. Chittenden.—*Vt. Gazette* of Feb. 26 1787.

³ Messrs. Hunt, Olcott, and Tichenor were joined from the Council.

⁵ On condition that they come in and surrender their arms. Dated at Pittsfield, Mass., Feb. 19 1787.

—An act for Inlisting five hundred men, &c. with a Declaration of Rebellion—Together with a Letter from Major Tyler, was Read. Also a Letter from his Excellency Governor Bowdoin dated the 10th Ins^t—a Copy of His Proclamation for apprehending Insurgents in that State, Together with a Resolve of the Legislature requesting the Governor to Issue his Proclamation &c. was read and Resolved that the Governor & Council wait personally on the Hon^{ble} General Assembly to lay said Letters and papers before them for their information, perusal & advice.

IN ASSEMBLY, same date.—His Excellency the Governor laid before the House a letter from his Excellency Governor Bowdoin dated 10th Feb^r. 1787 enclosing a proclamation and sundry papers, also a letter from Gen^l Lincoln, which were read and referred to the Committee appointed on the letter from M^r Tyler, Aid-de-camp to Gen^l Lincoln.

The proclamation of Gov. Bowdoin, dated Feb. 9 1787, was for the arrest of Daniel Shays, Luke Day, Adam Wheeler, and Eli Parsons, who were described as the leading insurgents. A reward of £150 was offered for Shays, and £100 each for the other three.¹

Feb. 24.—The Com^{tee} to whom was referred the request of Maj^r Tyler & the several letters from Gov^r Bowdoin & Gen^l Lincoln reported the form of a proclamation to be issued by Gov. Chittenden, and requested the Governor and Council to join the Assembly in Grand Committee to consider the same.

IN COUNCIL, Feb. 24.—On a verbal Message from the Hon^{ble} General Assembly by a member viz^t M^r Dewey, requesting the Governor and Council to join in Grand Committee to Take into consideration the report of a Committee appointed on Letters rec^d from his Excellency Governor Bowdoin of Massachusetts Bay requesting the aid of this State in apprehending certain Characters Insurgents of that State : The Council return for answer that they decline joining the Hon^{ble} Assembly in Grand Committee until the Assembly act on the report of the above Committee from both Houses and send their determination up to this Council for revision & proposals of amendment. To the above determination in Council Refusing to join in Grand Committee, His Excellency the Governor Enters his dissent. Also the Hon^{ble} John Fassett [jr.] Esquire, Timothy Brownson Esq^r & the Hon^{ble} E. Walbridge Esq^r.

This answer having been received by the Assembly, that body resolved to recommend to the Governor to issue his Proclamation in the form proposed by the joint committee: yeas 36, nays 24.² This resolution was received by the Council on the same day, and on motion of Mr. Tichenor it was postponed.³

IN COUNCIL, Feb. 26.—Resolved that the Hon^{ble} John Fassett Esq^r, Joseph Fay Esq^r & his Excellency Governor Chittenden be a committee to make a draught of a Proclamation requested to be Issued by this Government by His Excellency Governor Bowdoin.

On the same day this committee reported the form of a proclamation as a substitute for that of the Assembly; and on the 28th the Council proposed an amendment to the Assembly's form.

¹ *Vermont Gazette* of Feb. 26, 1787.

² *Ms. Assembly Journal*, Vol. 3, p. 122.

³ *Ante*, p. 127.

IN ASSEMBLY, March 1, A. M.—The Governor & Council put in a draft of a proclamation as an amendment or to be issued in lieu of the one passed the 24th Feb^r last, which was read & ordered to lie on the table until the afternoon.

On the same day, P. M.—Agreeable to order the House took under consideration the resolution of Council submitting a draft of a proclamation &c. which was read and after some debate the question was put, whether the resolution of this House requesting his Excellency the Governor to issue his proclamation contained in the report of a com^{tee} passed the 24th Feb^r last should be re-considered. The yeas & nays on the question being required they are as follows viz. [Names omitted: yeas 30, nays 33.] So it passed in the negative—and Ordered that Mr. Marvin, Mr. Brigham & Mr. B. Brown be a Com^{tee}. to return said proclamation to the Gov^r & Council & inform them of the doings of this House thereon.

IN COUNCIL, same day.—On the question wheather the Council advise his Excellency to publish the Proclamation Resolved on by the Hon^{ble} General Assembly for apprehending characters therein named, Insurgents in the Commonwealth of Massachusetts, the yeas and nays, being taken on motion of Mr. Tichenor, are as follows:

Yeas—Mr. Marsh, [Lient. Gov. acting as Councillor.] Mr. Tichenor, Mr. Walbridge, Mr. Bayley, Mr. Hunt, Mr. Safford, Mr. Porter, & Mr. Olcott.

Nays—Mr. Fletcher, Mr. Murdock, Mr. Fassett, & Mr. Brownson.

So it passed in the affirmative, therefore Resolved that the Governor be and he is hereby advized by the Council to publish said Proclamation in the Vermont Newspapers.

To the above determination His Excellency [the Governor] Enters his Dissent.

Both houses having agreed, Gov. Chittenden issued the following:

By his Excellency

THOMAS CHITTENDEN.

Esq; Captain-General, Governor, and Commander in Chief, in and over the STATE of VERMONT,

A P R O C L A M A T I O N .

WHEREAS the General Court of the Commonwealth of Massachusetts, by their act of the fourth of February instant, declared, that a horrid and wicked rebellion did exist in said Commonwealth, and that DANIEL SHAYS of Pelham, and LUKE DAY of West Springfield, in the county of Hampshire, ADAM WHEELER of Hubbardston, in the county of Worcester, and ELI PARSONS, of Adams, in the county of Berkshire, were the principal aiders and abettors of said Rebellion, and there being great reason to fear that some of the citizens of this State who dwell near to and adjoining the said Commonwealth may incautiously and unadvisedly give aid to the promoters and abettors of the said rebellion, and thereby violate the duty they owe to law and good government:

I have therefore thought fit, by and with the advice of the Council, and at the request of the General Assembly, to issue this proclamation, strictly commanding and enjoining it upon all the citizens of this State, not to harbour, entertain, or conceal the said DANIEL SHAYS, LUKE DAY, ADAM WHEELER, and ELI PARSONS. And I do hereby require all and every the Justices of the Peace within this State, to issue their warrants when required, to apprehend and convey the aforesaid persons, or either of them, to the Commonwealth of Massachusetts,

there to be delivered to some civil or military officer, authorised to receive them:

And all the citizens of this State are absolutely and most solemnly forbidden to take arms in support of, or to engage in the service, or contribute to the relief of the abettors and promoters of the said rebellion, by furnishing them with arms, ammunition, or otherwise, as they will answer it at their peril.

Given under my Hand, in Council, Bennington, this 27th Day of February, A. D. 1787,¹ and the eleventh Year of the Independence of the State.

THOMAS CHITTENDEN.

By his Excellency's command,

JOSEPH FAY, *Secretary*.²

This proclamation went to the full length of the request of Gov. Chittenden to Gov. Hancock of Massachusetts in 1784, in that it ordered the arrest of the insurgents, if found in Vermont, and their return to Massachusetts; while the proclamation of Gov. Hancock was limited "to the strictest rules of neutrality."³

Shays's Men driven from Vermont.

From the *Vermont Gazette* of May 7 1787.

Messrs. Printers,—As many unfavorable allegations have been spread abroad, to injure the good people of Vermont, relative to their harboring the insurgents from Massachusetts, the following transaction may serve to shew our disposition not to encourage factious and rebellious fugitives who have fled from justice.

On Monday se'nnight [April 30] about one hundred of the rebels from Massachusetts, who fled from justice, met at Captain Galusha's in Shaftsbury, in convention, to agree on measures for continuing their opposition to that government. The authority of Shaftsbury, being alarmed at such an illegal collection, immediately met, and demanded of the insurgents the occasion of their meeting. A committee, consisting of a Col. Smith (who was appointed their president) and four others, were chosen to make answer to this demand, which was, "That they were driven from their country, and had convened with a view of concerting measures whereby they might return and enjoy their properties," and on being duly questioned they produced two letters, one from Shays and one from another of their principals, encouraging them to hold out and be spirited in their opposition for a few weeks longer and they might be assured of relief. Judge [Gideon] Olin, who acted as principal on the part of the authority, conducted with a spirit truly patriotic and noble. He informed them, that if they were met for the purpose of petitioning the legal authority of Massachusetts for pardon and leave to return, that their proceedings would be deemed highly commendable, but if their views were hostile, and their business was to concert plans for committing depredations and continuing their opposition to that government, they must disperse immediately, for no such unlawful assembling would be allowed in Vermont. Col. Smith answered, that the hope of any advantage by petitioning was at an end.

¹ Ante-dated two days, for no apparent reason.

² *Vermont Gazette* of March 5 1787.

³ See *ante* p. 313.

The sheriff of the county. [Jonas Galusha,] who had been previously notified, was present for the purpose of dispersing them in case they refused to withdraw. The rebels plead for leave to be by themselves for a few minutes which was granted, after which they dispersed, and proceeded immediately to White-Creek, in the State of New York, where we have understood there was a considerable body collected, who sat in convention from day to day, without opposition.¹

The Governor and Council of this State have given the strongest assurances to his Excellency Governor Bowdoin, that in case the insurgents residing in this State pursue any measures that are hostile, the most effectual measures shall be taken by the force of this State, for apprehending and delivering them up to his authority for punishment.

The same number of the *Gazette* contains two letters from one of Shays's officers, (apparently on his way to Canada,) which seem to have been intercepted at Danby, Vt.—it is presumed, by Vermont officers.

Oct. 12 1787, Gov. Chittenden laid before the Assembly a letter from Gov. Bowdoin, dated March 10 1787, enclosing a resolution of the legislature of Massachusetts of March 8 1787, which the editor has not been able to find; a letter from Gov. Bowdoin of May 16 1787, enclosing a copy of a letter from Ethan Allen to Col. Benjamin Simmons; and a letter from Gov. Hancock, (who had succeeded Bowdoin,) of July 5 1787, enclosing a resolution of the Senate of Massachusetts of June 25 1787, which corrected an error in a previous resolution exempting from clemency "David Dunham" instead of *Gideon* Dunham.² Allen's letter was as follows:

*Ethan Allen to Colo. Benjamin Simmons.*³

SUNDERLAND 3^d of May 1787.

Sir—I consider it my duty to inform the Government of the Commonwealth of Massachusetts Bay, that the malecontents of your State [Massachusetts] appear to be forming unlawful Associations in this State,⁴ and that this Government are taking the most effectual measures to prevent the mischievous consequences which may be consequent thereon; Your people may do well in the meantime to take care of private murders. You may depend that this Government are so alarmed at the present conduct of your Insurgents that they will cordially consult any measures with your Government, which may be requisite for the mutual peace of both. I desire you would present this Letter, with my compliments to the commanding Officer of the troops of Massa-

¹ This was equally in violation of the laws of New York, and probably was not long permitted.

² Ms. *Assembly Journal*, Vol. 3, p. 174; and *Vermont Gazette* of July 16 1787.

³ *Clinton Papers*, No. 5863. [Communicated to Gov. Clinton of N. Y. by Gov. Bowdoin of Mass.]

⁴ June 5 1787, Gov. Hancock informed the legislature of Massachusetts "that those who have been in opposition to government have, from Vermont and New Hampshire, repeatedly made incursions into this state, with an intention to plunder and carry off the friends to government."—*Vermont Gazette* of July 16 1787.

chusetts in Berkshire County for their information. And am with respect Your Humble Servant

ETHAN ALLEN.

N. B. Should it be policy for the Government of your State to publish the foregoing Letter any time after the 10th instant, I have no objection.

E. A.

Having examined the original & compared the same—the above is a true copy.

AZARIAH ASHLEY *Capt Com^{dt} of the troops at Williamstown [Mass.]*

A true copy

Attest

JOHN AVERY *jun^r Sec^y*

A Boston newspaper of March 8 1787 announced that Allen had lately declared, in the presence of several gentlemen of Massachusetts, “that he had never had any communications with Shays or any of his adherents, directly or indirectly, but that he heartily despised both them and their cause.”¹ The date of this declaration is not given, and the report of Allen’s words is probably inaccurate, though as to the main point correct. Ira Allen’s statement as to his brother’s position in this matter is this:

When the insurrection arose in the neighbouring State of Massachusetts, headed by Mr. Shays, sometime before the insurgents attempted to take the arsenal of the United States at Springfield, [Jan. 25 1787.] Mr. Shays sent Luke Day and Eli Parsons, two of his officers, to General Ethan Allen, Commandant of the militia of Vermont, offering him (General Allen) the command of the revolutionary army, or insurgents of the Massachusetts; which General Allen contemptuously refused, directing said men to leave the State of Vermont. General Allen then wrote to the Governor of Massachusetts, assuring him that no asylum would be given in the State of Vermont to the insurgents of the State of Massachusetts.²

Arrest of Massachusetts Insurgents in Vermont.

[From the *Vermont Gazette* of July 30 1787.]

On Saturday last [July 28] passed thro’ this town, Gideon Dunham and George Baker, two notorious offenders of Shays’ party, lately acting as principals in the robberies committed in Berkshire county. They were taken at Onion River in this state, with two horses, and some other property, belonging to Mr. Starkweather, and others, in Berkshire county. They were conducted into town under a small guard of respectable gentlemen, and delivered up to the care of the high-sheriff, who, with a few gentlemen of the neighbourhood, proceeded with them to the line of the state, and delivered them up to the proper authority, to be dealt with as their crimes deserve. To give our sister states an idea of the disposition of the citizens of Vermont, and their sentiments with respect to Shays and his party, we beg leave to mention, as a truth, that these notorious robbers, were brot’ from Onion River almost to Bennington, guarded by three men only.

The next number of the *Gazette* stated that Dunham and Baker confessed numerous robberies by force; and it censured “any gentlemen of the clerical or other order, in Arlington, White-Creek, or elsewhere,” who have given “support to the Head Men of the nefarious tribe”—meaning to Shays and some of his chief officers, who were at times in Pownal, Shaftsbury, and probably Arlington.

¹ *Vermont Gazette* of April 9 1787.

² Ira Allen’s *History of Vermont* in *Vt. Hist. Soc. Coll.* Vol. I, p. 468.

APPENDIX G.

VERMONT ACTS OF SOVEREIGNTY.

All the acts of Vermont from 1778 to 1791 were really the acts of a sovereign state, since even the internal police regulations were enforced against New York ; and as to the adherents to New York in Vermont, against Congress also. But there were other acts peculiar to an independent and sovereign state, such as issuing bills of credit and making them a legal tender for debts, coining money, regulating weights and measures, establishing post offices, naturalizing natives of other states and countries, and corresponding with foreign governments in respect to commerce, examples of which occurred in Vermont, and some of which should be recorded here as a part of its history.

BILLS OF CREDIT—1781.

AN ACT for the purpose of emitting a sum of Money, and directing the redemption of the same.

Whereas, it is found necessary, for the purpose of carrying on the war, and the payment of the public debts of this State, as well as for enlarging the quantity of circulating medium, to emit a sum adequate to the several necessary purposes, in bills on the credit of this State.

Therefore,

Be it enacted, &c. that there be forthwith printed under the inspection of Matthew Lyon, Edward Harris, and Ezra Styles, Esquires, a committee for that purpose, bills to the amount of twenty-five thousand, one hundred and fifty-five pounds lawful money, for the payment of this State's debts, and other public purposes ; which bills shall be an equal number of three pounds, forty shillings, twenty shillings, ten shillings, five shillings, two shillings and six-penny, one shilling and three-penny, and one shilling bills : which committee shall be sworn to the faithful discharge of their office, and are empowered to make a device and form for said bills.

And be it further enacted, that said bills, when so printed, shall be, by the aforesaid committee, delivered to the Honorable John Fasset, Ebenezer Walbridge, and Thomas Porter, Esquires, a committee for signing and numbering said bills : which last said committee shall be sworn to the faithful discharge of their duty, and shall receipt said bills to the aforesaid committee, and shall sign and number said bills, and deliver them to the treasurer, taking his receipt for the aforesaid sum in bills, of twenty-five thousand, one hundred and fifty-five pounds : which bills shall be a lawful tendry for payment on all contracts, executions, &c. as lawful money, according to the face of the bill. And said bills shall be paid up and redeemed by the treasurer of this State, by the first day of

June, 1782, in silver, at the rate of six shillings for one Spanish milled dollar, or gold equivalent,

And for the redemption of a part of said bills, *it is hereby enacted*, that there be, and there is hereby granted a tax of one shilling and three-pence, lawful money, on the pound, on the list of the polls and rateable estates of the inhabitants of this State, to be taken in June next : which tax the first constable of each respective town is hereby empowered to collect, (on receiving a warrant from the treasurer therefor, and the rate-bill from the select-men of such town ; which select-men are hereby directed to deliver to such constable, as soon as the list is by law to be complete.) by the first day of November next ; and shall be accountable to the treasurer of this State for such tax : which constable shall be allowed the same fees for collecting such tax as is by law allowed for levying and serving executions, in case he have to levy on the goods and chattels of any person for payment of his tax, which he is empowered to do, in case any person neglect paying their tax within twenty days after a proper warning ; and shall be allowed one pound out of each eighty pounds he collects and pays to the treasurer :—which tax shall be paid in silver or gold, or in the aforesaid bills.

And whereas the land is the great object of the present war, and receives the most solid protection of any estate ; a very large part of which has hitherto paid no part of the great cost arisen in defending it, whilst the blood and treasure of the inhabitants of the State has been spent to protect it, who, many of them, owned but a very small part thereof :

Wherefore, for the redemption of the remaining part of said bills, and the lodging a sum of money in the treasury.

Be it enacted, that there be, and there is hereby granted and laid, a tax of ten shillings on each hundred acres of land within this State, which will now admit of settlement on account of the war, except public rights, and the college lands ; which tax shall be paid into the treasury of this State, in silver, at the rate of six shillings per Spanish milled dollar, or gold equivalent, or in said bills.

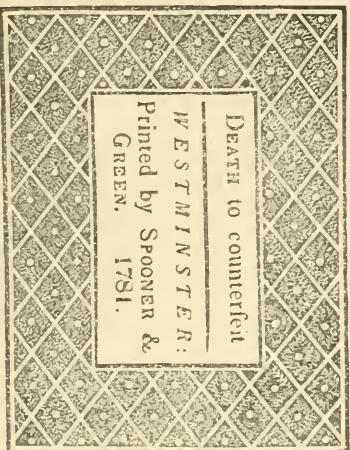
And the publication of this part of this act in the Vermont Gazette, the New-Hampshire Gazette, one of the Boston news-papers, the Connecticut Courant, and the Massachusetts Spy, three weeks successively, as soon as may be, and the treasurer calling on the land-holders to pay their tax, agreeably to this act, in the said news-papers, once in the month of November next, and once in the month of December next, shall be sufficient notification to all persons concerned.

[Here follow sundry provisions, regulating the collection of the land tax, which it is thought proper to omit. The act closes with the following clause.]

Be it further enacted, that whosoever shall be guilty of altering or counterfeiting any of said bills, or shall be any ways concerned therein, by making instruments for that purpose ; or be anyways aiding or assisting therein, and be thereof convicted, shall suffer death ; any law, usage, or custom to the contrary notwithstanding.

The amount actually issued under this act was £24,750 8 7, as appears from a report of the auditors in 1787, on the treasurer's accounts from 1778 until October 1786. By the terms of the act, these bills were to be a legal tender on all contracts until the first day of June 1782, when they were redeemable in specie. This act seems to have been complied with in good faith, as, in February 1782, the following was enacted :

ONE POUND.



TWENTY SHILLINGS.

THE Possessor of this BILL shall be paid by the Treasurer of the State of Vermont, TWENTY SHILLINGS, in Spanish milled Dollars, at



Six Shillings each or Gold or Silver Coins equivalent, by the first Day of June, A. D. 1782. By Order of Assembly — Windsor February, 1781.

J. Porter
To the Treasurer



No. 1.



No. 2.



No. 3.



No. 4.



1786.

No. 8.



1788.

No. 5.



No. 6.



No. 7.



AN ACT for taking off the tendry of the paper currency of this State, the first day of June next.

Be it enacted, &c. that from and after the first day of June next, the bills of credit of this State shall not be a legal tendry in any payment or contract, except in the treasury of this State : any law, usage or custom, to the contrary notwithstanding.

COINING MONEY—1785 TO 1788.

In the first volume of the *Vermont Historical Society Collections*, pp. 288-318, is a full account of Vermont coinage, by a competent writer, the Rev. EDMUND F. SLAFTER, A. M., Member of the Boston Numismatic Society, to which the reader is referred.

"An Act granting to Reuben Harmon Junior Esqr. a right of coining copper and regulating the same," was passed June 15 1785. Oct. 27 1785 an act in amendment was passed, by which the weight of the coins was reduced ; and under this act Mr. Harmon proceeded with the work of coinage in Rupert.

The devices and mottoes, which had been prescribed by a committee appointed by the Assembly, were significant and appropriate. The coins issued in 1785 and previous to Oct. 1786, had on the obverse the legend *Vermontensium. Res Publica.*—meaning *The Republic of the Green Mountains, or of Vermont*; and the device was a rising sun, with mountains and trees in the foreground, and a plough in the field beneath—significant of a new and rising agricultural state. On the reverse, the device was an eye, radiating to thirteen stars, with QUARTA. DECIMA. STELLA. for the legend—signifying that Vermont, as the fourteenth state, was looking for admission to the union with the thirteen states.

Oct. 24 1786, still another act was passed, by which Harmon had the exclusive right of coining copper for the term of eight years from July 1 1786.¹ By this act the legends and devices were both changed: the obverse to a bust in a coat of mail²—signifying, if any body, a warrior in the age of coats of mail, but appropriated to Vermont in the legend

¹ For this act see *Slade's State Papers*, p. 509.

² In *An Historical Account of American Coinage* by JOHN H. HICKCOX, published in Albany in 1858, it is asserted that the bust was of George the third, and the coins were issued when "the British in Canada were carrying on negotiations with the leading men in Vermont, for the purpose of making Vermont a crown dependency." Very unfortunately for this author, the facts are that the negotiations referred to were closed in March 1783; no coin with a bust of any sort was authorized by Vermont until October 24 1786; no particular bust was specified in the act of that date; and out of five specimens of Vermont coins issued in 1786, 7, and 8, the busts on only two resemble each other. Other New York writers have repeated, with variations, the assertions here controverted, but all have been thoroughly answered by Mr. SLAFTER.

VERMONT AUCTORI,—meaning *by the authority of Vermont*. On the reverse was a female figure, seated with a shield at her side, and holding in her right hand an olive branch, in her left a rod. The legend was INDE: ET LIB:—meaning *independence and liberty*. The woman was styled by the committee of the Assembly, in their report, “the Genius of America,” leaving absolutely nothing but the *name* in the coin which was characteristic of Vermont; whereas if the woman had been styled *the Genius of Vermont*, the new coin would have truly signified that Vermont was no longer looking anxiously to sister states for admission to the union, but peacefully resting upon her own authority, yet prepared to defend the rights of her citizens and the independence of the state.

The Vermont coinage ceased in 1788, on the adoption of the constitution of the United States by the requisite number of states. Harmon’s privilege covered seven years more; but doubtless he, with others engaged in coinage in other states, deemed it unprofitable to continue a business which was soon to be assumed exclusively by the national government.

NATURALIZATION ACTS—1785 and 1787.

There were two acts of this sort, the first in 1785, to naturalize a citizen of New Hampshire and grant him “the freedom of the State of Vermont,” passed Oct. 26 1785.

IN ASSEMBLY, Oct. 24 1785:—A petition from Solomon Willard was read & referred to Mr. Knoulton, Mr. Webb and Mr. Hunt to report.

The petition was as follows:

To the Hon^{ble} the Gen^l Assembly of the State of Vermont now sitting at Windsor in the County of Windsor.

The petition of Solⁿ Willard humbly sheweth—

That your petitioner has a large landed property in the State of Vermont and feels for the independence and future prosperity of the said State as fully as any subject of the same—and being desirous of commencing a more firm connection with the said growing republic, humbly requests the Hon^{ble} Legislature to pass an act of denization to naturalize your petitioner and make him a freeman and intitled to all the privileges of a natural born subject of the State of Vermont under such conditions as shall seem just, and your petitioner as in duty bound shall ever pray.

Dated at Windsor this 21st day of October Anno Domini 1785.

Solⁿ. Willard.¹

Oct. 25: The Com^t on the petition of Sol^o Willard reported “That in their opinion the prayer thereof ought to be granted”—which was read, accepted & leave given for a bill to be brought in accordingly.

Oct. 26: The following bills were brought in agreeable to leave of the House, viz.—An act to naturalize Solomon Willard late of Winchester in the county of Cheshire and State of New Hampshire Esq^r and granting him the freedom of the State of Vermont * * * which were read, accepted & sent to the Governor & Council for perusal and proposals of amendment.²

¹ *Vt. State Papers*, Mss., Vol. 17, p. 160.

² *Ms. Assembly Journal*, Vol. 2, pp, 533, 535, 538.

There is no record of the final passage of the bill in the journals of either House—omissions chargeable to the haste and confusion in the closing days of the session. The House adjourned without day on the 27th. Nevertheless the bill passed on the 26th, and appears among the recorded acts as of that day with the title as entered in the Assembly journal. It was as follows:

Be it enacted, &c. that Solomon Willard late of Winchester in the County of Cheshire and State of New Hampshire Esq^r be and hereby is declared to be entitled to all the privileges benefits and Immunities of a natural Born Subject and member of this Commonwealth and shall forever hereafter have and enjoy the freedom of Vermont.

The other act, passed March 10 1787, was for the benefit of a native of France, and three of his children born in this country, all of whom intended to become citizens of France, and not of Vermont. This act has an interesting history which has never been published, and its record here will add to other memorials of a man who was eminent for his zeal in behalf of America, and whose charming literary works have been highly esteemed, in both this country and Europe.

IN ASSEMBLY, Feb. 23 1787. —Two letters from the Sieur St. John de Crevecoeur, Consul of France, to Gen^l Ethan Allen, one dated at New York 31st May 1785, the other dated L'Orient 17th July 1785, were read, and Resolved that a Committee of three to join a Committee from Council be appointed to take said letters under consideration & make report of their opinion to this House.—Members chosen, Mr^r Chipman, Mr^r Marvin, and Mr^r B. Brown.¹

HECTOR ST. JOHN DE CREVECOEUR was born at Caen, in Normandy, of a noble family, in 1731, and was educated in England. He came to America in 1754, and settled on a farm near New York city, from which he was driven by the British during the revolutionary war, but was permitted by them to return to England in 1780. In 1782 he published in London a volume of "*Letters from an American Farmer*," which, though written in English, has all the brilliancy and vivacity of the French language. This work was reprinted in Philadelphia in 1794. French editions of this volume were also printed in 1784, and 1787; and in 1801 St. John published at Paris three other volumes, in French, on a journey through upper Pennsylvania and the state of New York, entitled "*Voyage dans le Haut Pennsylvanie et dans l'Etat de New York, par un Membre Adoptif de la Nation Oneida*"—[Oneida tribe of Indians, into which he had been admitted, and of which he wrote.] These works induced the migration of a large number of people from France to the United States. In 1783 he returned to New York as consul for France, and there seems to have become acquainted with Ethan Allen. In 1793 he resigned his office, returned to France, and interested himself in agriculture. He was a member of the agricultural society of Caen, and introduced the cultivation of the potato there. He married an American

¹ Mr. Brownson was joined from the Council.

lady, a Quakeress, who died when her husband was on his visit to Europe. St. John died at Sarcelles in Nov. 1813, leaving behind him a high reputation for worth and agreeable personal qualities. In one of the notes to Darlington's biographical sketch of John Bartram, is the following on Mr. St. John, furnished by Samuel Breck of Philadelphia, who knew St. J. in Paris in 1787, and was a companion with him on the return voyage: "St. John was by nature, by education, and by his writings, a philanthropist; a man of serene temper, and pure benevolence. The milk of human kindness circulated in every vein. Of manners unassuming; prompt to serve, slow to censure; intelligent, beloved, and highly worthy of the esteem and respect he every where received. His society on ship-board was a treasure."—See Duyckincks' *Cyclopædia of American Literature*, Vol. I, pp. 173-177; Drake's *Dictionary of American Biography*; and Allibone's *Dictionary of Authors*. See also a copy of the *Letters*, &c. in Vermont State Library.

The letters read in the Assembly were as follows :

*St. John de Crevecœur to Ethan Allen.*¹

General Allen,—In consequence of the leave you have given me, with pleasure I will communicate you the following thoughts, earnestly desiring you'd be persuaded that they have not been dictated by vanity or foolish presumption, but by a sincere and honest desire of being somewhat usefull to a State for the industry and the energy of which I have a great respect.

I am an American by a law of this State [New York] past in the year 1763. I have lived and dwelled in it ever since I married, 1770. I have three children. I have drained 300 acres of Bog Meadow, built a house, cleared many acres of land, planted a great Orchard. By imprisonment,² loss of property & Money, severe hardships, the fortunate———of——— the last severe conflict with the rest of my fellow Citizens³. I have since [had] the pleasure of publishing in Europe a work which has been well received by the public, wherein many interesting facts are *Recorded*, of the bravery, Patience, & Sufferings of the Americans in the prosecution of the last War.

Such, Dear Sir, are the titles whereon I presume to found and establish the Liberty I am now taking.

1^o I offer to have the Seal of your State elegantly engraved on silver by the King's best engravers & to change somewhat the Devices thereof. Dont you want a privy Seal? I offer with equal pleasure to get another engraved for the College the State of Vermont intends erecting and I

¹ Ms. *Ethan Allen Papers*, pp. 395-402.

² He had permission from the British in 1780 to go to England, but the vessel was captured by a French fleet, and St. John was a prisoner for three months in the hands of his countrymen.

³ The transcriber for the *Allen Papers* omitted several words here which were probably illegible in the original. The idea seems to be that St. John had lost all, nearly, by the war, as the fact indeed was, except his personal liberty, which he had in common with American citizens as a consequence of the war.

will take upon myself the imagining the device thereof.¹ I will do my best endeavours to procure from the King some marks of his bounty and some usefull presents for the above College.

The General will be pleased to remember the different anecdotes which he has promised me, whether of War, or peace, natural occurrences, extraordinary circumstances of natural history.

I should be greatly obliged to the General for any Map or Draughts of that State, or of any part thereof, for instance If new Towns are laid out, should like to have the Map of them:

If the General approves what yesterday I told him concerning national gratitude and the simple tho' efficacious way of shewing it to such french Characters as have amply deserved it, I will beg of the General that in order to prepare the minds of the good people of *Vermont* for that measure he would be pleased to get inserted in the *Bennington* news papers that part of the *N. Y. Gazette* which I shewed him yesterday.

No opportunity can be so favourable as the present one offers. Since new Counties and Districts will soon be laid out, I would propose that the Town² to be laid out on the first fall of Otter Creek be called the Town of *Vergennes* or *Vergennesburg*—that which is to be laid out on the first falls of Onion River *Castri Polis*³—after the name of the minister of the Marine who had a very great share in all the naval expeditions by which final independence has been obtained. I would propose that the New Towns to be laid out should be called *Gallipolis*, *Rochambeau*, *Noaillesburg*; that some of the new Districts or precincts ought to be called *Targetsfield* [Turgotsfield,] *Fannysburg*, *Harcourt*, *Ludovico Polis*, *Condorcet*, *Brothersfield*, *Danville*, *Sophysburg*—and if the General don't think me too presumptuous in answer to what he so kindly said yesterday, I would observe that the name of St. John being already given to many places in this Country it might be contrived by the appellation of *St. Johnsbury*, but the most flattering honor the Citizens of Vermont could confer on me would be to be naturalized a Citizen of that State along with my three Children *America Frances S. John*, *William Alexander St. John*, *Philip Lewis St. John*.

Where could letters or other things be left in N. York so that they might be safely conveyed to the General in Vermont. That is an important circumstance without which our mutual correspondence may be interrupted, a thing which I should greatly regret.

I shall write the General from Paris by every packet & inform him of whatever I do which [may] be usefull to your State and College. As soon as any resolutions will be taken towards giving to the New towns and Districts some of the new names, I earnestly beg the General would write the account of it and the reasons which have induced the people in the State of Vermont and publish that in the *Bennington Gazette* which I shall beg of him to send me two or three different ways. I should not fail to have that part translated and put into the french Newspapers with the name of the General. If Gen. Allen thought it proper I would likewise publish the anecdotes I expect to receive from him with his name.

The name of the new College I would beg to send it along with the

¹ This was written six years in advance of the charter of the University of Vermont. Allen of course had informed St. John that such an institution was in contemplation.

² Meaning not a township but an incorporated city, as Vergennes was.

³ On the territory in Colchester now occupied by Winooski village.

new seal which I shall send you from Paris. I will direct my Letters for you to be left at the post office of this City & to be conveyed to Albany, Post. Therefore I beg you'd speak to the Albany Post-Master, likewise you must speak to him to send your letters for me by the Albany Post to come to the Post office of this City. My direction is No. 202 Queen Street. I shall not fail to shew your Book ¹ to ——— of Paris & to transmit to you their reflections thereon. Wishing your State every prosperity, Your Good Gov^s & Council [and] yourself, My dear sir I take my sincere leave of you. I beg you'd look on me as a true friend & your very humble servant.

ST. JOHN DE CREVECEUR.

N. York 31st May 1785.

Same to Same.

L'ORIENT [France,] 17th July 1785.

Dear Sir, — I am arrived here after a very pleasant Passage of 25 days. To-morrow I propose setting out for Paris. I have thought of many things since I took my leave of you which I beg to mention as they may be usefull to the State of Vermont. I hope you will attend to it and exert your influence to have it done. As to the different Names for the new Towns and Counties which I proposed you, I hope your Governor and his Council will find nothing very extraordinary in those names. The very appellation of the State being *Vermont* will make the names proposed more analogous, Vermont being entirely French, nor will the sound of those be in contradiction with the harmony of your language. For instance *Vergennesburg* and *Castri Polis* for the two Towns on the *Otter* and the *Onion* Rivers; County of *Beauveau*, the town of *Beauveau* for the County Town; County of *Liancourt*, the town of *Liancourt* for the County Town; County of *Turgot* and *Turgotsburg* for the County Town — (this last name is infinitely precious and dear to me, I could wish to see it given to some Place or District;²) *Fayette's Grove*, *Segurnum*, *Hart Court*, *Danville*, *Condorcet* &c.³ I say the sound of all those names agrees very well with the American language, therefore it cannot on that hand be objected to.

What I meant to say, which I had forgot, is a sketch of the Map of the State of Vermont. Could you send me such an one, with the new di-

¹ *Reason the only Oracle of Man*, printed at Bennington in 1784.

² The transcriber in the *Allen Papers* gave the names as "*Target*," and "*Targetsburg*." The editor knows of no name so likely to be precious to Mr. St. John as that of ANNE ROBERT JAMES TURGOT, comptroller-general of France under Louis the sixteenth. His plans have been described as "grand, liberal, and useful." Turgot was numbered among the friends of Dr. Franklin, and was as liberal in his views of government as the Doctor himself. The *Vermont Gazette*, from April 18 to May 2 1785, contains an elaborate, very able, and to a degree prophetic letter on American politics, written by Turgot to Rev. Dr. Richard Price of England, who was a prolific writer, and of so great service to America that Congress invited him to become a citizen of this country.

³ The names adopted by Vermont were *St. Johnsbury*, in honor of the writer of the above letter; *Vergennes*, in honor of the Count de Vergennes, French minister for foreign affairs; and *Danville*, possibly in honor of N. de la Rochefoucauld, duke D'Anville.

visions intended and the new Names, I would get it elegantly engraved in Paris, and send you back 300, [or] 400 Copies which you'd dispose of at your will and Pleasure. I would have the arms elegantly engraved on the top if this idea was agreeable to your People. Send me by a safe opportunity to my office in N. York the best Materials you can procure and I will have this done without any cost. I greatly depend on your Promises of sending me different anecdotes. If I receive them signed with your name they will be printed with it, depend on it; in short whatever curious or interesting may come to your knowledge, I beg you'd collect it for me. I will make a good use of it.¹ I beg you'd not think me too Presumptuous asking you all these things. I mean well. I beg you'd be mindful of it. I will shew your Book to my friends and carefully transmit you their observations thereon. Don't forget the second Vol. which you have promised me if you had a good opportunity to Hartford. I desire you'd write a line [to] Col. Jeremiah Wadsworth [of Hartford, Conn. :] and to ask him for one of the Vol. of the American Farmer. [St. John's first book.] I hope the perusal of that Book will not displease you. Had I had one of them with me whilst you was in N. York the author would have presented you one with great pleasure. In the Seed way also, Dear Sir, I would most earnestly thank you for the seed of any Grass, Bush, Plant, or Tree which you may think valuable, prove usefull and curious.

I cannot flatter myself that your Assembly would condescend to pass an act to Naturalize myself and Children,² tho' on many accounts (too tedious to explain to you) it would not be only highly honorable to them but highly conducive to the completion of their Bill of Naturalization in France which I am now soliciting in order that they may inherit my Father's succession which will be pretty considerable. They have had lately the honor of being made by diplomas freemen of the city of Hartford and N. Haven. But if nevertheless spite of every appearance, so great a favour through your good influence could be obtained, I shall take the liberty of sending you their names, their age, and the name of their Mother. All these things are expressed in their diplomas of N. Haven & are necessary for the completion of what I am soliciting for them in France. You'll pardon therefore a Father if through his Fatherly zeal he seems to outgo the bounds of common discretion. In speaking to you I am confident to unbosom myself to a Person who will not censure me nor think that by asking for my Children the honor of being naturalized in Vermont, he has in his heart aught bordering on foolish vanity or presumption, but an honest intention of establishing his Children in the full possession of the rights of Frenchmen born. In order to obtain so desirable an end here I must prove the public Notoriety of their being my Children, not by certificates of Marriage &c., but by public acts of their being so. Don't blame me therefore Dear Sir if I conclude this Letter by recommending to your notice & remembrance all I have said & by sending you what is inserted in the Diploma of freedom my Children have been honored with from the City of N. Haven. America Francis [Frances in the act.] born 14th December 1770, William Alexander born 5th Aug. 1772, Philip Lewis born 22^d Oct. 1774, Children of the Sieur St. John de Creveceur and of Mehitable his Wife.

¹ St. John evidently was preparing himself for the volumes subsequently published by him.

² His wife, an American lady, died while St. John was in Europe in 1781-2.

Begging your Great many pardon, wishing you health and prosperity, and squeezing you heartily by the hand, I remain with unfeigned respect & esteem,

Your Friend & humble servant,
Brig. Gen. Ethan Allen.

ST. JOHN.

*Ethan Allen to St. John de Crevecoeur.*¹

BENNINGTON IN VERMONT 2nd of March 1786.

Sir,—After many difficulties and procrastinations, last fall I published my theology intitled "Oracles of reason," and have sent a number of Books to sundry capital places and parts of America. One of the Volumes I herewith transmit to Mr. St. John in consequence of the unexpected correspondence with which he has been pleased to honor me. Though it may be repugnant to the policy of the Monarch of France that such kinds of writings (whether true or false) should circulate among the commonalty of his subjects, Yet I am well apprised that the independent literary Gentlemen of France think and converse with one another and with foreigners as freely and liberally as any in the World, and as a Nation have cultivated & extended the [arts] and sciences at least equal to any people in the annals of mankind, have encouraged genius and learning in other Nations and finally in a great variety of instances have become the patrons of the improved part of our species.

I am not so vain as to imagine that my theology will afford any considerable entertainment to the enlightened mind of Mr. St. John or to any learned Gentlemen in France, yet it is possible that he or they may be somewhat diverted with the untutored logic and sallies of a mind nursed principally in the Mountainous wilds of America. And since it is the almost universal foible of Mankind to aspire to something or other beyond their natural or acquired abilities, I feel the infection. I desire that Mr. St. John would lay the Oracles of Reason before the royal academy of arts and sciences at Paris.

Should my productions meet with the disapprobation of the Capital of science in the old World, I shall have the satisfaction of reflecting that I have made a bold attempt in philosophy, though unsuccessful.

The Clergy of this Country reprobate the work and anathematize the writer of it, but they have not so great power in America as they had previous to the late revolution.² On its first publication, it has pleased more individuals than I expected and caused considerable speculation and argumentation. I am however sensible that my reputation as a reasoner (even in America) will depend in a great measure on the re-

¹ Ms. *Ethan Allen Papers*, p. 411.

² Probably the sharpest sarcasm the book provoked came from a layman, Doct. LEMUEL HOPKINS, of Hartford, Conn., published in 1793, who described Allen thus :

Behold him move, ye staunch divines !
 His tall head bustling through the pines ;
 All front he seems like wall of brass,
 And brays tremendous as an ass ;
 One hand is clench'd to batter noses,
 While t'other scrawls 'gainst Paul and Moses.

See Duceykinck's *Cyclopædia of American Literature*, Vol. 1, p. 319.

ception that the work may meet with in the learned cities of Paris and London.

In the month of January last the Governor and great part of the members of the Council of this State met at Bennington, principally to read and consult the proposition in your Letters to me respecting a State seal, a College, a list of names of French Patriots to the American independence, and your desire with your sons to be Naturalized and become free Citizens of this State &c., all which particulars was well pleasing to the Council: they testified their unanimous approbation of all and singular of your propositions and will use their Influence with mine at the general Assembly of the State in Oct. next to carry into effect your whole desire, which I presume will meet with general approbation and applause. The said Council at their session aforesaid concluded to recommend to the Legislature that on the land contiguous to the first falls on Otter Creek they would incorporate a City with certain privileges and franchises, and have already named it De Vergens to perpetuate the memory of your prime Minister in America to all eternity. Every other of the patriotic names you gave me will I presume be noticed in like manner and be affixed to certain districts of territory in Vermont, particularly your favorite *Turgot* alias Turgotsburg,¹ and the minister of the Marine department according to your desire.

Sir, in behalf of the people of Vermont I return you thanks for the honor you have done me and them in generous correspondence, and assure you that we esteem [it] a great honour to be noticed by the French Nation, the guarantors [guarantors] of American independence, more especially as we are not yet confederated with the United States. We flatter ourselves that a mutual intercourse of Friendship and good offices amounts nearly to an alliance.

We have not as yet made an accurate plan or map of the State, but are doing it, which when done we will send to France, to be completed by the King's engravers, with the seal of the State, as you proposed. And with respect to the College, a Committee is now appointed to mark out the place, and as to the seal of the College and its device and any other matters relating thereto, the people of Vermont confide in Mr. St. John and are his Humble servts. As to any shrubs or rarities to accommodate the King's garden, we have it in contemplation, and will write you on that, as well as other particulars, more fully at another time.

My late publication has been expensive and has engrossed my attention. Could I have attended the General Assembly in October last I might sooner have accomplished your wishes in the matters above related, nor have I had leasure to make out any political or historical anecdotes concerning the late War which you might have improved in the history of it, though there is no Gentleman on Earth I would be more happy to oblige than Mr. St. John and have myself the honor of contributing towards a history that so immediately respects my Country.

I am sir with every sentiment of respect & esteem, Your friend & hum. Serv^t

ETHAN ALLEN.

The record of March 10 1787 in the Assembly Journal shows that "an act to naturalize the Hon^{ble} St. John &c." was returned from the Governor and Council concurred. The act was as follows:

AN ACT to naturalize the hon^{ble} St. John de Crevecoeur and his Children America Frances, William Alexander and Philip Lewis.

It is hereby enacted, &c. that the hon^{ble} St. John de Crevecoeur Late Consul of France to America and his three Children *America Frances*

¹ See note ² ante, p. 388.

St. John, William Alexander St. John, and Philip Lewis St. John be and hereby are declared to be Citizens of this Commonwealth and entitled to all the rights priviledges immunities and advantages which the native Citizens do or shall enjoy.

IN COUNCIL, March 10 1787.—Resolved that the Honorable General Allen be requested to Write to the Hon^{ble} St John late Consul of France, in answer to his Letter; Inclosing a Copy of the Act Natrulizing him & his three Sons Citizens of this State, and inform him that this Council Entertain a high Sense of his Generosity in the offers made in his letters of furnishing a State Seal &c.—And assure him of the rediness of this State to serve him and his friends, And to perpetuate the names of the noble Patriots of France to the latest Posterity Agreeably to his request in the aforesaid Letters, And that he be informed of the names already Given to Cities & Towns in this State, & that a return will be made of the General Survey to Enable him to Complete a Map as soon as the Surveys can be Completed.

POST OFFICE DEPARTMENT ESTABLISHED.—1784 TO 1791.

IN COUNCIL, March 5 1784.—An Act establishing Post-Offices in this State, having passed the General Assembly, was received, read and concurred.

Resolved that Mr. Anthony Haswell [of Bennington] be, and he is hereby appointed Post-Master General within and for the State of Vermont.

The act was as follows :

AN ACT for establishing Post-Offices within this State.

Whereas, the business of promulgating the laws, conveying timely notice to the freemen of this State, of all proprietary proceedings, and other matters of importance to the public can, in no other way, be effected so extensively and attended with so small expense, as by the appointment of regular posts for the purpose of conveying the same to the parts of this State.

Be it enacted, &c. that there be five post-offices established within this State ; one in Bennington, one in Rutland, one in Brattleborough, one in Windsor, and one in Newbury, under such regulations as are established for the government of the post-offices in the United States. That the post-rider from Bennington to Brattleborough be allowed three pence per mile, travel, and those on each of the other routes, two pence per mile : and that the post-masters be directed to keep a regular account of all profits and emoluments arising out of this measure, and exhibit the same to his Excellency the Governor, and the Honorable Council of this State when requested.

And be it further enacted, that, until the further order of this Legislature, the post-riders from the several offices shall be entitled to an exclusive right of carriage, and enjoy the advantage of the fees arising from the carriage of letters and packets of every kind ; and that the rate of postage be the same as in the United States.

And be it further enacted, that no person presume to ride on either of the routs of such established posts, for the purpose of carrying letters, packets or other matters, particularly within the province of such established posts to carry, on penalty of paying the sum of £10 to and for the use of any post-master who shall prosecute the same to effect, for every such offence.

And be it further enacted, that his Excellency the Governor and such other persons as the Legislature shall, in future, authorise, shall have authority, to frank any letters or packets ; for which letters or packets no postage shall be demanded.

WINDSOR, March 24.¹

The General Assembly, during their last sessions, having resolved to establish a Post to ride weekly from Bennington to Newbury, via Brattleborough, and one from Bennington to Rutland, Post Offices will immediately be erected in the towns of Bennington, Brattleborough, Windsor, Newbury, & Rutland : these will open a regular communication throughout the State by which the inhabitants on each side the mountain will be relieved from the inconveniences they have heretofore laboured under in keeping up a mutual correspondence so necessary for the union of a people. We flatter ourselves the Honorable Assembly have done essential service to the State by adopting this measure, as it naturally tends to unite the people thereof--affords a regular source of communication with the Southern States, there being already a post established from Bennington to Albany²—gives a thorough vent for the circulation of newspapers (that most excellent vehicle of intelligence and amusement)—supplies us with the means of transmitting domestic occurrences, both public & private : and in fine, from so important an establishment, if conducted with regularity, we may anticipate the most happy consequences.

In these days of railroads and telegraphs, the above may provoke a smile; but in fact Vermont at that time provided mail facilities quite equal to those furnished by the United States for any but the largest towns and cities. The following, nearly eight months later, is to the point:

HARTFORD, [Conn.,] November 2.³

A Stage-Waggon has lately been erected to run, with four horses, between the city of New-York and Stratford ferry in Connecticut; which completes the stages from Portsmouth, in the state of New-Hampshire, to Richmond in the state of Virginia, a distance of upwards of 700 miles.

AN ACT for establishing Post-offices within this State.—Passed March 9th 1787.

Whereas the business of promulgating the Laws, conveying timely notice to the Inhabitants of the State of all proprietary proceedings and other matters of importance to the Public can in no other way be effected so extensively and with so small expence as by the appointment of regular Posts for conveying the same to the different parts of this State:

Be it enacted by the General Assembly of the State of Vermont that there be five Post-offices established within this State, one in Bennington, one in Rutland, one in Brattleborough, one in Windsor and one in Newbury under such regulations as are established for the government of Post-offices in the United States.

That the Post-Rider from Bennington to Brattleborough be allowed three pence per mile travel and those on each of the other routs includ-

¹ From the *Vermont Journal* of March 24 1784.

² Nov. 26 1783.—See *ante*, p. 34.

³ From the *Vermont Gazette* of Nov. 15 1784.

ing a Post-rider from Bennington to Albany two pence per mile every time they respectively perform their routs, in hard money orders or hard money.

And be it further enacted by the authority aforesaid that the Postmaster General be and he hereby is impowered to employ a Post to ride from Rutland in the County of Rutland through the County of Addison upon such rout or routs as he shall judge will best accomodate [accommodate] the Inhabitants of said County of Addison in promulgating the laws of the State &c. and such Post shall be allowed two pence per mile each fortnight for one half the circuit going one road and returning another, to be paid as aforesaid. And the said Postmaster General is authorized hereby to establish Post Offices in such towns in Addison County as he shall find necessary.

And be it further enacted by the authority aforesaid that the several Postmasters be directed to keep a regular account of all profits and emoluments arising from the office and exhibit the same to his Excellency the Governor and the Honorable the Council of this State when requested. And that until the further order of the Legislature the Post-riders from the several offices shall be entitled to an exclusive right of carriage and enjoy the advantages of the fees arising from the carriage of letters and Packets of every kind and that the rate of Postage be the same as in the United States.

And be it further enacted by the authority aforesaid that no person presume to ride on any of the routs of such established posts for the purpose of carrying letters, packits, or other matters particularly within the province of such established Posts to carry on penalty of paying the sum of ten pounds to and for the use of any Postmaster who shall prosecute the same to effect for every such offence.

And be it further enacted by the authority aforesaid that his Excellency the Governor and such other persons as the Legislature shall in future authorise, shall have authority to frank any letters or packet, for which letter or packet no postage shall be demanded.

Oct. 15 1790, so much of the preceding act as provided for compensation to post-riders by the mile was repealed, quite to the discontent of the public, in anticipation of a loss of the service; but doubtless the legislature acted on the assumption either that the routes were self-supporting, or that the service would speedily be assumed by the United States.

Jan. 21 1788, Daniel Marsh advertized himself as post-rider from Clarendon [to which town Eleazer Russell was the rider from Bennington,] to Onion river, Jericho being the end of his route. Search has been made in vain to find any town in Addison County in which a post-office was established under the act of 1787. There was no authority for the establishment of an office in Chittenden county, which then extended to Canada line; and the conclusion is that there were no offices in the State, except the five named in the act of 1787, until June 1 1792, when, under the authority of Congress, additional offices were opened in Manchester, Vergennes, and Burlington. Meagre as the postal service established by Vermont seems to us now to have been, yet it was extended very slowly by Congress—hardly in proportion to the increase of population. The first act of Congress, March 3 1791, barely provided "that the Postmaster General shall be and he is hereby authorized to

extend the carrying the mail from Albany, in the State of New York, to Bennington, in the State of Vermont."¹ In other words, the United States postal service was simply connected with that which had been previously provided by Vermont. Under the act of Feb. 20 1792, only the following post-routes were established in this State, each to take effect June 1 1792:

From Albany (by Troy and Lansingburg) to Bennington, Manchester and Rutland—once a week.

From Rutland to Burlington on Lake Champlain—once in two weeks. —[Proposals invited for service once a week.]

From Springfield in Massachusetts, by Northampton, to Brattleborough in Vermont—once a week.

From Brattleborough, by Charleston [Charlestown, N. H.] and Windsor, to Hanover in New Hampshire—once a week.

NEGOCIATIONS ON COMMERCE BETWEEN VERMONT AND FOREIGN COUNTRIES.

IN ASSEMBLY, March 5, 1784.—The Council sent a bill entitled "an act to empower the Governor to settle a treaty of amity and commerce with the powers of Europe," requesting that the same might be passed into a law of this State—which bill was read and not accepted by the House.

March 8. The Governor and Council sent a bill entitled "an act to empower the Governor to settle a treaty of commerce with the powers of Europe, &c.," proposing that the same might be passed into a law—the question being put, whether such bill should pass into a law of this State, it passed in the negative.

On the same day, at the request of the Governor and Council, both Houses joined in a committee of the whole to consider three bills on which the two Houses had disagreed,—among them the one last above named. The committee of the whole agreed by a majority on all the bills, among them as follows:

Resolved that this Committee recommend to the Legislature to pass the following resolution viz.—Resolved that his Excellency the Governor be requested to commence a correspondence with the Governor of the province of Quebec and endeavour to open a trade between that province and this State.

After the Governor and Council had retired, the Assembly resolved *not* to accept of the above resolution of the committee of the whole.

The Assembly adjourned without day on the 9th of March, and on the 10th the Council adopted the following:

Resolved, that his Excellency the Governor be, and he is hereby requested to take such Measures as he shall judge best, for opening *Trade* with the Province of Quebec.

IN COUNCIL, April 12 1784.—Resolved, that His Excellency the Governor be requested to call on Colonel Ebenezer Allen, to take Possession of a place called Dutchman's Point, as soon as the same shall be

¹ Act in *Debates in Congress*, old series, Vol. II, p. 2409.

evacuated by the British Troops. And also that the Governor write to General Haldimand on the Subject.¹

This project for negotiations was resumed in October with better success in the Assembly. The following extracts are pertinent to show what were probably the reasons:

The *Vermont Journal* of June 30 1784 said:

By accounts from Canada we are informed, that all commercial intercourse for the present is strictly prohibited for reasons unknown to any but their leaders. No goods can pass on York side without paying the duty.

A letter from Canada to a gentleman in New York city, dated June 12 1784, copied in the *Vermont Gazette* of July 12, said:

Our General Haldimand is one of the most curious old women you ever heard of. In consequence of a tale told him by a Captain Mure, who was insulted in New York last fall, he has refused to deliver up Michilimackinac, has sent Gov. Hayes [John Hay] to re-command Detroit, and refuses passes to all who apply for them to come over the Lakes to Albany or York.

July 19 1784, a gentleman from Montreal reached Hartford, Conn., and reported thus:

No person is allowed to pass from Canada into these States without a written permission, and all our Indian trade into that province is absolutely prohibited.

IN COUNCIL, Oct. 27.—Unanimously Resolved that this Council do take this method to recommend to the Hon^{ble} General Assembly to adopt such measures as may appear to them to be most Eligible for Opening a free Trade & commerce with the Province of Quebec upon Terms of Reciprocity.

By order of Council,

JONAS FAY, *Secy. P. T.*

IN GENERAL ASSEMBLY, 27th October 1784.—The question being put whether this Assembly would Adopt measures as is Recommended in the aforesaid Resolution it passed in the Negative.

True Copy,

ROSL^r HOPKINS, *Clk.*

JOSEPH FAY, *Secy.*

IN COUNCIL, Rutland, 27th. October 1784.—Resolved that this Council do Recommend it to the Hon^{ble} General Assembly that the Two Houses meet and form into a Committee of the whole, as soon as may be, to Take into Consideration the Utility of Obtaining Licence of the Com-

¹ Dutchman's Point was on North Hero, half a mile south of Alburgh. At this Point, and also at Point Au Fer in New York, two and one half miles from Alburgh, the British troops remained for several years, and as late as Oct 16 1792 they arrested Benjamin Marvin of Alburgh for officiating as a Vermont magistrate on what they then claimed as British territory. The documents in this case belong, of course, to a later period than is covered by this volume. The resolution of the Council in the text is given here to indicate the commencement of a correspondence by Vermont, which was afterward assumed and closed by the United States.

manding officer of the Province of Quebeck for the Inhabitants of this State to pass by the Waters Leading from this State to said Province, with their Lumber, and to Barter or Exchange Commodities upon Terms reciprocal with foreign Powers. By order of Council,

JONAS FAY, *Secy. P. Tem.*

IN GENERAL ASSEMBLY, October 27 1784.—The above was Read, And Resolved that this House will join with the Governor & Council 2 ° Clock this afternoon to Take under consideration the Matter therein contained.

ROSL^r. HOPKINS, *Clk.*

Two o'clock P. M.—Agreeable to order, his Excellency the Governor, the Council, and General Assembly, joined in a Committee of the whole, to take under consideration the mode of opening a free trade to the Province of Quebec. After some time spent therein, the Committee of the whole dissolved, and the Secretary brought forward their proceedings and report in the following words, viz.

“In Grand Committee, consisting of his Excellency the Governor, the Honorable the Council and General Assembly, upon the business of opening a free trade with Quebec, His Excellency in the Chair, Micah Townsend, Esq; Clerk, Resolved, That this Committee recommend to the General Assembly to take into consideration the utility of taking measures to obtain licence from the commanding officer of the Province of Quebec, for the inhabitants of this State to pass by the waters leading from this State into and through said Province, with their lumber, and to barter or exchange commodities upon terms reciprocal. Then the Committee dissolved.

(Signed)

MICAH TOWNSEND, *Clerk.*”

Which report was read; and thereupon, Resolved, That a Committee of three, to join a Committee from the Council, be appointed to prepare a bill for the purposes mentioned in the recommendation of the Committee of the whole.—The members chosen, Mr. Lyon, Mr. Safford, and Mr. Weld.

Oct. 28.—A bill, entitled, An act for the purpose of opening a free trade to and through the Province of Quebec, was brought in according to order, read and accepted, and sent to the Governor and Council for perusal and proposals of amendment.¹

The Governor and Council concurred on the same day. The following is the act:

AN ACT for the purpose of opening a free trade to and through the province of Quebec.—[Passed Oct. 29 1784.]

Whereas, many advantages will arise to the citizens of this State, by extending commerce to the province of Quebec, and through that channel to Europe: Therefore,

Be it enacted, &c. that the Governor and Council be, and they are hereby authorised and empowered, to appoint one or more persons, not exceeding three, to repair to the province of Quebec, with full power to confer with any person, or persons, that may be authorised therefor, by any power with whom it shall be necessary to agree, concerning matters of trade and commerce; and to transact with such person, or persons, all such matters and business as shall be necessary to complete, on the part of this State, the opening a free trade into, and through, said province of Quebec.

IN COUNCIL. Oct. 29.—Resolved that three agents be appointed to Transact the necessary business of opening a free Trade, to foreign

¹ Printed *Assembly Journal*, Oct. 1784, pp. 41, 43, 44, 49.

Powers, thro the Province of Quebec, Agreeable to an Act of the Legislature of this State passed this day, intitled An Act for the purpose of opening a free Trade to & from the Province of Quebec. And that the Hon^{ble} Ira Allen Esq^r Major Joseph Fay & the Hon^{ble} Jonas Fay Esq^r be and hereby are appointed Agents or Commissioners for the purpose aforesaid, one or more of whom shall have full Power to transact said business. And His Excellency the Governor is Requested to Grant a Commission accordingly.

June 3 1785, the Assembly, through its Speaker, requested the Governor to report on this subject, who replied that Ira Allen would submit a report on the 8th. On that day, accordingly, the following report was submitted to the House, from which it will be seen that Allen had been to some degree successful, and moreover that *he had instituted a negotiation with Great Britain*, through the Lieutenant Governor (then acting Governor) of the Province of Quebec.'

Report on the Mission to the Province of Quebec.

Agreeable to the order of the day, the Honorable Ira Allen, Esq., made the following report of his proceedings on his commission to the Province of Quebec, &c., viz:

To the Honorable the General Assembly now convened at Norwich.

To your message of the 6th instant, I have the pleasure to return the following answer, viz. That in pursuance to appointment and commission for the purpose of negotiating and establishing, on the part of this State, a free trade to and through the Province of Quebec, to Europe, I waited on his Honor Lieutenant-Governor Hamilton, in the city of Quebec, in the month of March last, where I was politely received by the Governor and members of the Legislative Council of said Province. I laid before the Governor a duplicate of my commission, together with a copy of an act of the Legislature on said subject. The Governor convened the Council; and, after deliberation, informed me, that the powers vested in them were not competent to the establishing a treaty of commerce; but showed a willingness to do anything that might be consistent, to facilitate such treaty. I wrote an address to the Governor on the subject, which, together with the act of the Legislature, and duplicate of my commission, was sent to his Majesty. Sundry letters were wrote and sent to correspondents in London on the subject. I expect to be informed by writing from Quebec of the returns from London. In the mean time the produce and manufactures of this State are admitted into the Province of Quebec, and the produce, manufactures, and merchandize, of the Province of Quebec and Great Britain, are admitted into this State; peltry excepted, which being contraband, are forfeited if detected; as also many other articles of foreign growth and manufactures, if attempted to be carried in, and detected, from this way. A moderate fee is payable to the Custom-House Officer at St. John's, for the trouble of examining and clearing our boats.

I have the honour to be, with due respect,
your most obedient humble servant.
(Signed)

IRA ALLEN.

Norwich, June 7, 1785.

Which being read, a motion was made by Mr. Knight; whereupon,
Resolved, That the Honorable Ira Allen, Esq., be requested to lay before this House, at the opening of the House to-morrow morning, an

¹ Printed *Assembly Journal*, June 1785, pp. 6, 10, 11, 16.

account of his expences, and days in service, in negotiating the business of his appointment as a Commissioner, for the purpose of negotiating a free trade, on the part of this State, to the Province of Quebec, and through the same to Europe.

Ordered, That Mr. Barlow wait on the Honorable Ira Allen, Esq. with the aforesaid resolution; and likewise request him personally, as Surveyor-General, to make report of his proceedings therein; likewise the expenses that have accrued in surveying.

On the 9th, Mr. Tichenor asked and obtained leave to bring in a bill to repeal the act under which the foregoing negotiation had been instituted; which was introduced on the 13th, accepted, and sent to the Council for perusal and proposals of amendment. On the 17th the bill was returned to the House, with an adverse opinion by the Council, when, after some debate, it was referred to the next session.¹

IN COUNCIL OF CENSORS, Oct. 7 1785.—Resolved, that it be, and hereby is recommended to the Honorable the Legislature, to alter an act passed 29th October, 1784, entitled “An act for the purpose of opening a free trade to and through the Province of Quebec,” so far as to provide that no further expense shall accrue to the State by any proceedings thereon; this Council conceiving it unreasonable to tax the inhabitants of the State at large to defray the expense of a treaty, the benefits of which will be partial and confined to a few individuals.²

IN COUNCIL, Oct. 26 1786.—On motion of the Hon. Ira Allen, Esqr., respecting a Commercial Treaty with the Provinces of Canada and Great Britain, requesting that Mr. Levi Allen be appointed in lieu of Joseph Fay, resigned, therefore *Resolved*, that Mr. Levi Allen be and he is hereby appointed in lieu of said Joseph, and that Levi Allen’s name be entered in said Commission for that purpose.

The following, from the *Vermont Gazette* of Nov. 20 1786, undoubtedly refers to the commissioners who had been appointed by Vermont to negotiate in respect to commerce. The commissioners at that time were Ira Allen, Jonas Fay, and Levi Allen; but there is no indication that Doct. Fay ever visited Canada on this business. Both of the Allens acted zealously in the matter, and doubtless are the persons alluded to :

BOSTON, Oct. 30 [1786.]

Extract of a (private) letter, dated Halifax, Oct. 10.

The information I have given ought to be kept secret for my sake, and I communicate in the greatest confidence that it will not be divulged; but depend upon it, troops are pouring in Nova-scotia and Canada, from home, every day—the posts in the U. S. are daily fortifying—the garrisons are increased.—Commissioners from Vermont are, at this moment, in treaty with the British Commissioners at Montreal, to bring about an union with the old government: A storm is gathering over your republics, more terrible than they have ever experienced; nay, the thunder is now on the point of breaking upon your heads.—God grant that you may get seasonable and authentic intelligence, that you may be prepared to resist the shock.

¹ Printed *Assembly Journal*, June 1785, pp. 21, 29, 40.

² Slade’s *State Papers*, p. 515.

A writer in the same number of the *Gazette* seems, from the following, to have been suspicious that this and other reports causing alarm and discontent came from New York:

It is currently reported, and the report gains credit, that secret emissaries from New York, and creatures corrupted by their influence, are secretly at work in every part of this State, fomenting uneasiness among the people, and promoting insurrections. The first essay is said to be to raise a jealousy respecting us in the United States, by industriously spreading reports that we are in secret treaty with Great Britain, and on any future emergency shall espouse her cause; and then, under specious pretences, to raise cabals in this State, induce the unwary to join in their nefarious schemes, to rise in opposition to legal authority, and stop the course of justice.¹ Arise ye freemen of Vermont! Defend your injured independence! Let no insidious foe precipitate your ruin, by persuading you to raise the arm of desperation against your own life! liberty! and property!

Had Levi Allen been commissioned as agent for Vermont at this time, his known character for toryism and indiscretion might raise the presumption that the statement in the letter from Halifax originated with him; but his testimony is, that he did not receive his commission until a month after the letter had been written, and moreover that his business was to secure free trade with and through Canada. This was all that had been authorized by Vermont, and anything beyond that by either of the agents was therefore unofficial.—See *post*, extract from Ira Allen's History, and Levi Allen's memorial to the General Assembly of Vermont, Oct. 25 1791. In reference to the military movements mentioned in the letter from Halifax, it is sufficient to say, that Great Britain persisted in holding and garrisoning the posts from Oswegatchie [Ogdensburg] to Michilimackinac, on the ground that the United States had violated certain treaty stipulations on their part; and in a letter to Congress, Oct. 13 1786, the secretary for foreign affairs [John Jay,] fully justified Great Britain for so doing.² On the other hand, Congress was alarmed by indications of Indian wars, in both the north-western and southern portions of the country, and, Oct. 20 1786, unanimously resolved to add 1340 to the 700 troops then employed at the military posts.³

IN ASSEMBLY, Feb. 16 1787.—The Governor laid before the House a letter from the Hon. Wm. Smith, Esq., dated Quebec, Dec. 9th 1786; also a letter from John Kelly, Esq.; also a letter from Levi Allen, one of the commissioners for negotiating a free trade to and through the Province

¹ The attempt to break up the court in Windsor County was made on the 31st of Oct. 1786, and in Rutland county on the day after the publication of the above article.

² *Secret Journals of Congress*, Boston edition of 1821, Vol. 4, pp. 186-189, 280.

³ *Journals of Congress*, Folwell's edition, Vol. XI, pp. 186-188.

of Quebec, with his proceedings agreeable to his appointment; which were read and referred to committees.¹

It appears from the journal of the Council, that Lord Dorchester² returned Allen's commission, "for regulating trade and commerce," and that Chief Justice Smith's letter was in reference to "his lands in this State, with a stating of the same by John Kelly, Esqr." The committee on Judge Smith's letter reported,

That his Excellency, by advice of his Council, be requested to answer the several matters specially mentioned in Mr. Smith's letter, and in particular to assure him that this government have in all their official transactions inviolably adhered to the articles of treaty which he refers to.³

The letter of Chief Justice Smith and the reply of the committee cannot be found, but the ground of Smith's complaint and the substance of the answer may be reasonably conjectured. Smith claimed land in Putney, and had ousted Andrew Graham. At the June session of the Assembly, 1785, an act was passed quieting Graham in the possession of the land, by vacating the judgments against him, but providing that the act should not be a bar to preclude any person from ejecting him who should produce a good title to the farm. The committee had reported that it had not been made to appear that Smith, or any one holding under him, had a good title to the farm, and concluded by stating their opinion "that the said Andrew ought to be quieted in his possession *until he receive a reasonable compensation of his labor.*" Smith, being then a British subject, undoubtedly claimed that this act was in violation of the fourth and fifth articles of the treaty of peace of 1783, which provided that creditors in either country should meet with no impediment in the collection of debts, and that Congress should earnestly recommend to the several States to provide for the restitution of confiscated estates belonging to British subjects.⁴ The reply might have been two-fold: first, that Vermont was neither a party to the treaty, nor subject to Congress; and second, if it were otherwise, that Smith was simply held, as all citizens and landholders of the State were, to prove his title and to respond to Graham for his betterments. The substance of the reply in fact was, "that this Government have in all their official transactions inviolably adhered to the articles of treaty which he referred to." Judge Smith referred also to "lands entrusted to his care," as in Bradford, and perhaps other land in Vermont included in the New York grants; but the case of Graham was probably the particular source of grievance at that

¹Ms. *Assembly Journal*, Vol. 3, p. 81.

²Sir Guy Carleton had become Lord Dorchester.

³Ms. *Assembly Journal*, Vol. 3, p. 87.

⁴See printed *Assembly Journal*, June session 1785, p. 46; Slade's *State Papers*, p. 500; and *Secret Journals of Congress*, Boston edition of 1821, pp. 334, 335.

time. Smith's claims under New York grants were ultimately settled with like claims of others. He received \$1181.69 of the thirty thousand dollars paid by Vermont to New York.

John Adams to Secretary John Jay.—Extract.¹

LONDON, 19 April 1787.

Dear Sir,—I do myself the honor to inclose the new act of parliament for regulating trade between the territories of the United States of America and the dominions of the King of Great Britain, by which Congress will see that the same system continues, and is fortified with fresh provisions. Provisions and lumber, the growth or production of the United States, are now prohibited from any foreign island. The West India planters and merchants complain to no purpose.

The Canada merchants give out that there is some negotiation on foot between Lord Dorchester and Vermont, the object of which is to give vent to the productions of that territory through Canada and the river St. Lawrence, that the West Indies may derive some assistance from that source.

Simultaneously with this letter in point of time, Lord Dorchester, in anticipation of action by the legislative council of the Province, issued a proclamation for the free admission to Canada, from the neighboring American States, of the very articles which the British parliament had prohibited by the act referred to by Mr. Adams. A distinction was thus made between internal commerce, by land or water, and commerce on the high seas, for the obvious purpose of securing the fur trade to the British, and giving the freight of American products to British ships.

Proclamation by Lord Dorchester, April 18 1787.²

GUY, LORD DORCHESTER, *Captain General, and Governor in Chief of the Province of Quebec, &c. &c.*

To Thomas Ainlee, Esq; Collector, & Thomas Scott, Esq; Comptroller, and other officers of the customs of the province of Quebec: It being represented to me, that a commercial intercourse may be carried on between this province and the neighbouring States, to the advantage of this province and of Great Britain, under certain restrictions, by land, *and the inland navigation on the route and communication through lake Champlain*: You are accordingly authorized and required, until ordinances can be obtained, for the more fully regulating the said inland trade, with the neighbouring States, to permit the free importation by that route of masts, yards, bowsprits, spars, oak or pine planks, boards, knees, ship timber, hoops, staves, shingles, clapboards, or any sort of lumber; pitch, tar, turpentine, or tallow, or any kind of naval stores; hemp, flax, and their seeds, wheat, rye, indian corn, peas, beans, potatoes, rice, oats, barley, and all other species of grain; horses, neat cattle, sheep, hogs, poultry, and all other species of live stock and live provision, and whatever else is the growth of the said States; and you are also authorized and required, to permit the free exportation from this province, into the said States, or either of them, of any article of the growth, produce or manufacture of this province, or of any other of the dominions of Great Britain, furs and peltry of every kind excepted: And you, and the several officers concerned, are, at the same time, strictly charged and

¹ *Life and Writings of John Adams*, Vol. VIII, p. 438.

² *Vermont Gazette* of June 18 1787.

ordered, in all things to conform yourselves to the act of parliament, granting authority to his Majesty for issuing his royal orders in council, regulating all importations, into this province, by sea, and to cause the several laws made for preventing the bringing any foreign rum or spirits, or (except from Great Britain) any goods or manufactures of any foreign European countries, or of Asia, into this province, or any other of the British provinces and colonies, to be duly and effectually enforced.

Given under my hand and seal at arms, at the castle of St. Lewis, at Quebec, the 18th April, in the 27th year of his Majesty's reign, and in the year of our Lord 1787. Signed, DORCHESTER.

Ordinance of the Governor and Legislative Council of the Province of Quebec, April 30 1787.¹

AN ACT or ORDINANCE, for the importation of tobacco, pot & pearl ashes, into this province *by the inland communication by lake Champlain and Sorel.*

Be it enacted by his excellency the governor and the legislative council, and it is hereby enacted by the authority of the same, That the trade and intercourse between this province and the neighbouring states or any of them, by the route aforementioned, for the importation of leaf tobacco, pot and pearl ashes, shall be free if the same be of the growth and produce of any of the said states, and *bona fide* for the re-exportation of the same from this province to Great Britain. And no tobacco shall be so as aforesaid imported, otherwise than in hogsheads, casks, chests or cases, each hogshead, cask, chest or case whereof, shall contain four hundred and fifty pounds weight net of tobacco, at the least, not packed in bags, or in any other packages within said hogshead, cask, chest or case, not separated or divided within such hogshead, cask, chest or case, respectively, by any package or otherway howsoever, upon forfeiture of all such tobacco, as shall be so imported contrary to this act, together with the hogsheads, casks, chests, cases or packages containing the same. *Provided always, & be it further enacted,* That nothing in this act shall extend or be construed to extend to forfeit any tobacco imported or brought in loose by the communication aforesaid, by water or by land, for the use of the person or persons employed in bringing in the same, or any passenger in the boat or carriage, not exceeding two pounds weight for each person or passenger.

And the regulations aforesaid requiring due entry of such tobacco, pot and pearl ashes, at the custom house at St. John's on the said communication, *Be it also enacted by the same authority,* that all boats, carriages and conveyances, shall be subject to visitation by the officers of the customs, or either of them, at St. John's aforesaid, & bonds given for the re-exportation of such tobacco, pot and pearl ashes, to be void upon proof thereof by certificate or otherwise, and that no higher fee shall be exacted for such entry and bond and the office expedition [inspection] of the ladings aforesaid respectively, than the sum of a Spanish milled dollar for the cargo of a boat of the burthen of fifteen tons, and the half of such dollar for any smaller vessel or other conveyance. And in the case of such lading being by a raft the fee of two shillings and nine pence on the entry of every separate importer.² All which for-

¹ *Vermont Gazette* of June 25 1787.

² The pine timber was sent down the lake and rivers in rafts, and doubtless these were used for the transportation of pearl and pot ashes. The pine timber and the ashes constituted by far the largest part of the

feitures shall be recoverable, and divided in the manner directed by the statutes regulating the forfeitures under the statute regulating the importation of any spirits or other articles by the port of St. John's aforesaid.

And to the intent that if it shall be found by experience that the provisions of this act work any inconvenience to the public interests, the same shall cease and be void on proclamation to be issued by the governor or commander in chief, with the advice of the council, under the great seal of the province, declaring the same.

DORCHESTER.

Enacted and ordained by the authority aforesaid, and passed in council under the public seal of the province, at the council chamber in the castle of St. Lewis, in the city of Quebec, the thirtieth day of April, in the twenty-seventh year of the reign of our sovereign lord George the third, by the grace of God, of Great Britain, France and Ireland king, defender of the faith, & so forth; and in the year of our Lord one thousand seven hundred and eighty-seven.

By his Excellency's command,

J. WILLIAMS, C. L. C.

It will be observed that the privileges accorded by the foregoing documents were not in terms limited to the people of Vermont, and that no intimation is made that they were in response to any application of Vermont; yet it is certain that the advantages were almost exclusively enjoyed by the people of this State, and it was asserted in a memorial of Levi Allen to the General Assembly in 1791, that they were conceded at the request of Vermont. The reason of this not being *avowedly* so, appears from a statement of a correspondent of the *Vermont Gazette* of Dec. 10 1787, to wit: "Lord Dorchester cannot tolerate any separate intercourse with the people of Vermont without infringing the peace [the treaty] of 1783." That treaty included Vermont within the boundaries of the United States, and Lord Dorchester and the British government might well deem it improper to treat with any body other than the proper agents of the government of the United States. It is true that Vermont was then practically independent of Congress, as she was not a member of the confederation; but confessedly she was so temporarily only, because she was constantly prepared for admission to the Union at the earliest moment practicable. This delicacy, however, need not and did not prevent Lord Dorchester from listening to the representations from Vermont, or from granting privileges which he deemed to be advantageous to his own people and government as well as to them, in a way which could give no offence to Congress. The same policy was adopted by him a year later.

exports from Vermont for many years. So considerable had the trade in ashes become, that on Jan. 26 1791, an act was passed by the Vermont Assembly for the appointment of inspectors of pot and pearl ashes offered "for exportation," which were to be branded, and the quality of the ashes certified. On the next day seven inspectors were appointed, one for each county.

*Ordinance of the Governor and Council of the Province of Quebec,
April 14 1788.*¹

AN ACT or ORDINANCE, further to regulate the inland commerce of this Province and to extend the same.

Whereas a commercial intercourse with the neighbouring states to a certain extent, was opened in the course of the last year, and it is conceived that it may, under due restrictions, be made useful to this province and to Great Britain:

Be it enacted therefore by his excellency the governor and the legislative council, and it is hereby enacted by the authority of the same, That all goods, wares, and merchandises (beaver, peltries and furs excepted) of the growth and manufacture or product of this province, or of any other the dominions of Great Britain, and such as may lawfully be imported into this province by sea, may be exported therefrom by land or inland navigation, to any of the neighbouring states, free from duty, impost or restraint. And there shall be the like freedom of importation from the said states into this province, if the same be made by the route or communication of Lake Champlain and the river Sorel or Richelieu, and not otherwise, of the following enumerated articles, that is to say, masts, yards, bowsprits, spars, plank, boards, knees, futtocks, or any kind of ship timber, hoops, staves, shingles, clapboards, trees, wood, lumber, pitch, tar, turpentine, tallow, hemp, flax, and any kind of naval stores; seeds, wheat, rye, Indian corn, beans, peas, potatoes, rice, oats, barley, and all other kinds of grain; butter, cheese, honey, horses, neat cattle, sheep, hogs, poultry, and other live stock, and live provisions, and fresh fish; and whatsoever is of the growth of the said states; and gold or silver coin or bullion.

And be it further enacted by the same authority, That the importation by land or the inland navigation into this province, of rum, spirits, copper-coin, and all other goods, wares, and merchandises not enumerated as aforesaid, be prohibited, and such articles seized and forfeited, together with every of the enumerated articles above mentioned, if the same shall not have been imported by the route or communication aforementioned.

And be it enacted by the same authority, That the exportation of beaver, peltry and furs into any of the neighbouring states be prohibited, and that the same shall be liable to seizure and forfeiture upon due proof of their being in the way towards either of the said states, with intent to be exported to the same by land or water; and it shall be conclusive evidence of such intent, if any person be found in the way to either of the said states, in any place between the south side of the river St. Lawrence, and southernmost extent of his majesty's government, with beaver, furs or peltries, and without a certificate from one of his majesty's justices of the peace, certifying that oath has been made before him by the owner or proprietor, or his factor or agent, that the same beaver, peltries and furs are not intended for such exportation; and every person aiding and assisting and directly or indirectly interested or concerned in any attempt to make such exportation, shall incur a fine of ten shillings for every pound weight of beaver, and ten shillings for every skin of furs or peltries, so exported or attempted and intended to be exported.

And for prohibiting still more effectually the exportation of beaver, peltries and furs, be it also enacted by the same authority, That all and every person or persons who shall export, or shall be aiding or assisting or directly or indirectly interested and concerned in exporting

¹ *Vermont Gazette of June 2 1788.*

to the said states by any route from any other part of his majesty's government, to the westward of St. Regis, any beaver, furs or peltries of any kind, such person or persons shall forfeit and become liable to pay thrice the fines and penalties above mentioned.

All which forfeitures, fines and penalties shall be recoverable and be divided, applied, or disposed of, as directed by the statute of the fourteenth year of his majesty's reign, chapter eighty-eight, respecting the forfeitures and penalties therein mentioned.

Provided always, and it is also hereby enacted by the authority aforesaid, That nothing in this act contained, shall be construed to affect travellers to and from this province and their servants, boats, carriages, and necessary baggage (not including any article whatsoever for trading purposes;) nor the effects of any kind of such persons coming to settle in this province, or others, as shall have permission, in the manner therein to be expressed, of the governor or commander in chief, for the time being, under his hand and seal at arms; nor to affect the importation of any of the said enumerated articles, by any route and communication to such posts, places and districts, and under such restrictions, and for such periods, as the governor and commander in chief, for the time being, may conceive to be expedient for the common weal, and from time to time declare and make known by proclamation under the great seal.

And it is also enacted by the same authority, That it shall be the duties of the officers of the customs to execute this act in the manner of executing any of the statutes made for the regulation of the plantation trade; and they shall be intitled to all such aid and assistance therein, as they are entitled to, and may demand, under all or any of the statutes aforesaid.

And be it further enacted, by the same authority, That for every certificate to be given by a magistrate as aforesaid, he shall be intitled to the fee of one shilling, and shall not receive therefor more, under the pain of extortion, and that any magistrate granting a certificate wickedly, knowingly and fraudulently to abet and effect the exportation of beaver, peltry or furs forbidden by this act, and thereof duly convicted, shall be liable to such fine and imprisonment, as the court of king's bench may impose and adjudge, and thenceforth be incapable of any office, place or employment in his majesty's government: and that a wicked and corrupt oath, for obtaining a certificate, fraudulently to effect such prohibited exportation, shall upon conviction expose the offender to the pains and penalties of false swearing and perjury: and such as advise, encourage, and persuade, to bring about such wicked, fraudulent, and corrupt swearing, to the pains and penalties of subordination [subornation] of perjury.

DORCHESTER.

Enacted and ordained by the authority aforesaid, and passed in council under the great seal of the province, at the council chamber in the Castle of Saint Lewis, in the city of Quebec, the fourteenth day of April, in the twenty eighth year of the reign of our sovereign lord GEORGE the III, by the grace of God, of Great Britain, France and Ireland king; defender of the faith, and so forth; and in the year of our Lord one thousand seven hundred and eighty-eight.

By his excellency's command.

J. WILLIAMS, C. L. C.

By still another act of the Governor and Council of the Province of Quebec, passed in 1790, pig iron was admitted free of duty; doubtless by the same channel of communication, and with similar conditions as in the preceding acts. This appears from the following in the *Vermont Gazette* of June 7 1790:

By a late act of the governor and legislative council of the province of Quebec, in addition to an act for regulating the inland commerce of that province, it is enacted, that the free importation of pig-iron be permitted, provided, "every pig of iron so imported shall be marked in the moulds, in legible letters, VERMONT."

Probably only so much of the act as applied to Vermont was quoted. It is hardly conceivable that Vermont iron alone was covered by the act, but rather it is to be presumed that this act was consistent with those relating to other products, and therefore made no discrimination in favor of any state.

SHIP CANAL FROM THE ST. LAWRENCE RIVER TO LAKE CHAMPLAIN,
AND OTHER MATTERS DISCUSSED BY THE COMMISSIONERS
OF VERMONT.

[From Ira Allen's *History of Vermont*, in *N. Hist. Soc. Collections*, Vol. 1, p. 467.]

On the news of peace in 1783, between Great Britain and the United States, finding that the territory of Vermont was included within the boundaries of the latter as relinquished by the former, the Governor and Council appointed Colonel Ira Allen their Commissioner,¹ to concert measures with the Legislative Council of Canada for opening a free commercial intercourse with that province; but the most essential part of his mission was to confer with the Commander in Chief, General Haldimand, with respect to the views of the British Government, as applied to Vermont in particular, and the United States in general. It is to be observed, that many propositions had passed between the agents of Great Britain and Vermont, respecting Vermont's being a colony under the crown of England;² that by the preliminaries of peace Vermont was within the territory conceded to the United States as aforesaid; that she had dissolved her unions with them,³ a part of her consequence, and was not received into the confederacy of the United States. In this situation, completely independent, and not in alliance or connexion with any power on earth, she had cautiously avoided contracting much debt; therefore wisdom dictated moderation, that she might take advantage of whatever circumstances should arise from the new order of things; that considering the multiplied debts the United States had contracted, in the course of their struggles for independence; that their constitution had not sufficient energy to govern an extensive country in time of peace; consequently a new constitution would be necessary in the United States, the formation and ratification of which, the liquidation and settlement of the public accounts, providing ways and means for discharging the same, were respectively arduous tasks; and the more so, when it was considered that the sense of danger from without gave rise to new discords within, and between the States a difference in political

¹Ira Allen alone seems to have been appointed in March 1784 on this business. He was one of the three commissioners appointed in October 1784, and probably the only one actively engaged until Levi Allen was commissioned in October 1786.

²In the Haldimand Correspondence, Appendix I, Vol. II.

³The unions with part of New York and New Hampshire in 1781.—See Vol. II.

sentiments and interests might be difficult to reconcile. What influence British agents would have, or what their objects might be, in the United States under these circumstances, was also a question. Under these impressions, the Governor and Council of Vermont instructed Colonel Ira Allen, at different times, to repair to Quebec, to confer with Governor Haldimand, his successor, &c., on the preceding matters, and to advise for the best good of Vermont; the result of which was, that it was adviseable for Vermont to consolidate the interest of her citizens, on one common principle, and admit of no titles to lands, but those derived from New Hampshire, their subsequent confirmations, on the same grounds, from New York, that were in some instances made near Connecticut River, and the Grants made by Vermont; and to form no connexions with the United States for the time being, or until the United States should establish a more permanent constitution, liquidate and provide ways and means for the discharge of their debts. This policy being adopted by certain persons in Vermont, was steadily pursued by them.

Levi Allen claiming to be an Agent of Vermont in England.

Levi Allen went to England in 1789, and in August of that year he challenged Maj. Edward Jessup, in London, to meet him at a fixed time and place with a case of pistols and a gentleman to act as second. Allen wrote that this challenge was in vindication of his honor as a private gentleman, "as well as that of *the public character*," he had the honor to act in, "*on behalf of Vermont*." It is clearly evident, however, from his letters to Ira Allen and the Allen family, that he had no commission from Vermont, but was in England to operate for his own advantage under a pretence of doing a service to the public. The following letter shows that he had no commission from Vermont, and his anxiety to obtain one, or something that would pass for one.

Levi Allen to Ira Allen.—Extracts.¹

LONDON, June 25, 1789.

I can get an act of parliament for cutting a canal from St. Johns in the most convenient place, and am pretty certain government will lend eight or ten thousand pounds to forward the business. Whether the business was ever done or not, it is immaterial; this I know, if I had the money I could make my fortune, or rather make our fortune, and the game too, and repay the money. * * *

I want you to get an act of the general assembly [of Vermont,] or from the governor in council, under the seal of the state, printed and fairly made out, proposing to cut said canal, *and appointing me their agent*, fully authorized to apply for an act of parliament, * * * obtaining license, full leave, liberty and assistance to cut the same. The word assistance being inserted, I can make it answer my purposes here, perhaps, and the Vermonters not know what I intend. You can cook the matter with the Secretary. * * *

The canal can and will be cut. But after getting the grant and money, if the business should be put off one year to prepare, provision, &c. that the same may be done to better advantage, in the meantime

¹ *Vermont Historical Magazine*, Vol. I, p. 572.

the matter of trade going on with energy and force, will carry all before it like a torrent of mighty, rushing waters, that by the second year we can cut canals or any thing else we please. * * *

As I have hinted, settle all matters with Col. [Matthew] Lyon, and make free with Gen. [Isaac] Clark. Talk about a Vermont company in trade. Be thick with the governor and his son [Gov. Chittenden, and probably his son Noah,] on the subject of trade. * * *

If matters should work so bad nothing can be done with the public, [the Vermont government,] send me a power of attorney to contract for you, and in your name, and git eight, ten or more to sign the same, with the governor's name as a signer, acknowledged before the secretary of state, under the seal of Vermont. You know how, but let the whole be *bona fide ipso facto*, if possible, but at any rate let me have something of the kind well done, for I have no idea of leaving England till something is actually done, and I really believe shall send you this season a cargo of salt and something handsome as to goods to suit the state. If I can get a good assortment shall come along with them, even if I return by the same ship, and bring Nancy [his wife] along with me.

That Levi Allen got neither a commission from Vermont, or power of attorney from Ira Allen, is evident from a letter of Levi, dated London 2d August, 1789, and addressed "To all the survivors of the Allen family, if any." In this letter he wrote, that he had sent "a bunch of letters and passage scribbling, six other previous letters by packets;" that he had received not a "silable written or verbal line" in reply; and complained that these "omissions" were unpardonable, not only because his feelings were sensibly touched through anxiety, but also because they made him appear "ridiculous to the discerning part" there -- i. e. to those to whom he had made professions of being an agent of Vermont. However distressing to the complainant these "omissions" were, it is quite evident that they were creditable to Ira Allen, and the other public men in Vermont who were referred to in Levi's letter of the 25th of June.¹ Still more conclusive proof that Levi Allen never had a commission from Vermont, except the one issued in 1786 for use at Quebec, is found in the following:

Memorial of Levi Allen to the General Assembly of Vermont, Oct. 25 1791.

To the Hon^{ble} General Assembly of the State of Vermont, at Windsor convened.

The memorial of Levi Allen humbly sheweth That by Virtue of an act of the Legislature of Vermont, The Governor with the advice of

¹That Allen succeeded in getting money and goods in England is evident from the facts that he went to Savannah, Georgia, as a merchant, and from thence wrote, on the 29th Nov. 1790, that "Every thing has succeeded to the most sanguine expectations;" and still more clearly from the following, which was written while he was in jail at Quebec, in 1792:

After crossing the Atlantic four times, twice loading a ship of 300 tons, working myself into the good graces of first characters of Gt. Britain, getting annual money, &c. &c., I expect a dram of comfort or a dram of aquafortis in a few days.—*Vt. Hist. Magazine*, Vol. 1, p. 573.

Council on the 8th day of November 1784, Granted a Commission under the Great Seal of this State, to me directed, for the Purpose of opening a free *trade* into and thro' the Province of Canada, as by Said commⁿ will appear; That your memorialist received said commⁿ at St. Johns on or about the 27th day of November 1786, and within four days after Set out for Quebec to Execute the Same, where he waited on Lord Dorchester, and after sundry conferences respecting commerce, Lord Dorchester observed the Legislative council would meet him in Quebec in thirty days, and that if your memost would make out the wishes of Vermont in form, he would lay the Same before the council, which was accordingly done, and your Memorialist returned after being absent on the business forty Seven days; and in the mean time transmitted to Governor Chittenden a copy of what your memost had laid in before Lord Dorchester & Council at the same time informing by letter the Probability of Success. That your memorialist Zealous to execute the business Sometime after waited on Lord Dorchester & Council at Quebec, but as your memorialist hath not his Papers with him respecting the Said negociation cannot at this distant Period recollect the Presise time of leaving St. Johns, but remembers well thirty one days completed the business, and the Quebec Ordinance was passed admitting the articles of Vermont to pass into Canada duty free nearly as Stated by your memorialist, and all kinds of Merchandise to pass into Vermont duty free (Peties [peltries] of all kind only Excepted.) Your memost hath been but little in Vermont since performing the aforesaid Service, and at those trancient Vissits the legislature was not convened; therefore your memost hath never before made any application for a reasonable compensation for service done and *cash* expended in and about the Premises, & agreeably to the directions in the Commission before mentioned. and as in duty bound will Pray —

LEVI ALLEN.

Windsor 25th Oct^r 1791.

Appended to this memorial is an account, sum in blank, for 47 days' service and expenses in Dec. 1786, and 31 days' service and expenses on the "2^d tour." Both memorial and account were verified by oath before Councillor Brownson. The papers were referred to a joint committee on the 29th of October 1791, and on the 2d of November the committee reported that the facts stated were "true in part,"¹ and recommended that the sum of twenty-three pounds ten shillings ought to be paid to discharge the claim.² On the same day a resolution was passed to allow the claim, and Nov. 4 1791, the amount was paid to Jonathan Hunt on Allen's order.³

¹One error there certainly is in the memorial, to wit, the statement of Allen that he was commissioned in Nov. 1784. He stated that he did not receive his commission until on or about the 27th of November 1786. In fact he was not appointed commissioner until Oct. 26 of that year, and in December following Lord Dorchester returned his commission. Hence Allen's "second tour" seems to have been made without a commission.—See *ante*, pp. 399–401.

²*Vt. State Papers*, manuscript, Vol. 18, p. 230.

³Same, Vol. 11, p. 58.

Ira Allen's Negotiations in Canada, in 1784-5, and in England, 1795 to 1798, for a Ship Canal.

[From Ira Allen's *History of Vermont*, in *Vt. Hist. Soc. Collections*, Vol. I, p. 477.]

Lake Champlain is a noble chart [sheet,] and so deep that ships of war have sailed in it. It is sprinkled with many beautiful, fertile and well inhabited isles, but it is to be lamented that the wealth of its waves should be merely confined to the fisherman, when they might be converted to the noblest purposes of trade and useful navigation, for the mutual benefit of millions, by a navigable cut to the river St. Lawrence.

In consequence of an application made by Ira Allen, Esq; of this State, to General Haldiman, Governor of Canada, in 1784 and 1785, the General thought so highly of the proposition, that he appointed Captain Twist, the engineer of that province, to make a survey and estimate the expence of a canal from the river St. Lawrence to Lake Champlain, which was executed in 1785. The Captain began his survey at the rapids of St. John's, and carried it on along the side of the river Sorel to Chamblee, &c. The estimate of the expence of this cut, sufficient to bear vessels of two hundred tons burthen, was calculated at £27,000 sterling. The canal which I now [1798] propose is to extend from St. Therese to the river St. Lawrence, as laid down in the map annexed to this book, [Allen's History, London edition of 1798.] The expence may exceed the preceding estimate; but the excess will be amply compensated as the difficulties of a narrow winding river, upwards of thirty miles, would be avoided. It may be necessary to make several surveys to ascertain the best, as the face of the country is level, and the soil marly. The waters of Lake Champlain are higher than the river St. Lawrence, which demonstrates the probability of the measure. It is impossible to calculate the advantages of this undertaking in a commercial point of view; such an undertaking would promote agriculture, population, arts, manufactures, handicrafts, and all the business of a civilized state, regulated by wise laws, sound policy, a deep sense of religious duty and morality.

To this I shall subjoin the following abstract, taken from General Allen's memorials on this subject, to his Grace the Duke of Portland, &c.—Page 104, Vol. I, of the ship *Olive Branch* capture.¹

In an interview with his Grace, General [Ira] Allen laid down the advantages that would mutually result to the two countries, if such a communication should be carried into effect. His Grace objected to any share of the expence on the part of the British Government, but expressed his readiness to receive, and to consider of proposals for carrying the same into execution on other principles.² General Allen, in his Memorials, &c., offered to cut the Canal at his own expence, on condition that he should be secured in a interest of his money, by an order from Government, assigning a tonnage on vessels &c. navigating this Lake, to the amount of said interest; and that shipping built in said Lake, by the citizens of Vermont, should be permitted to pass to and from the open seas, paying such tonnage as should be deemed reasonable on passing Quebec; that the manufactures, raw materials, and produce of Vermont, should be permitted to pass to the open sea; that the manufactures, goods, &c. of Great Britain, should be permitted to be imported in

¹ What follows occurred subsequent to the admission of Vermont to the Union, and was of course unofficial.

² For another statement as to the views of the British Cabinet, &c., see Allen's *Address* to the Governor and Legislature of Vermont, in 1809, *post*, pp. 415-417.

the shipping of Vermont into the said State, without paying any duty on such exports or imports, by Act or Acts of the Parliament of Great Britain, or the Legislature of Lower Canada. That contiguous to said Lake was a fertile country abounding in lumber, iron ore, marble, &c. that the soil produced wheat, Indian corn, peas, barley, hemp, grass, &c. in great abundance; that the country was erected into a settlement after the conquest of Canada, by the late Lord Amherst, in 1761, and is now estimated at a population of 150,000 souls. That Great Britain, through the medium of the said Canal and Navigation, would, in fact, reap the advantage of the trade of Vermont, and of the northern part of the State of New York, which parts, contiguous to Lake Champlain and Iroquois,¹ would then find it their interest to become a part of the State of Vermont. That such reciprocal navigation and interest in the Canal, would cement and promote friendship betwixt the people of the two Canadas, and those near the Lake and the Iroquois, and would tend very much to strengthen the Treaty made betwixt Great Britain and the United States of America in 1794, under which treaty British ships are permitted to navigate Lake Champlain for commercial purposes. That in case of war betwixt any powers, except those of Great Britain and America, the commerce of said Lake might be conveyed to Europe in Vermont or British bottoms, free from capture, high insurance, or expence of convoy. Hence the enterprizing inhabitants of Vermont would find it their interest to support the government of Great Britain in Canada, whilst the remainder would be satisfied with the Canal and commerce. In peace or war, it would render the price of salt, English goods, &c. cheap, and in time of war, the exports of Vermont would bear a high price, in consequence of the ease and safety of transportation. The people of Vermont thus situated, would be averse to war; they would, in fact, be a neutral body betwixt two great nations; whilst their Representatives in the Legislature of the United States would oppose every idea of hostilities between Great Britain and the United States, on principles of mutual interest; thus the most permanent contracts are established, and the blessings of peace and prosperity the rewards.

The said canal would extend navigation 180 miles into a fertile country, abounding in all kinds of iron ore, suitable to make pig-iron, bar-iron and steel, marble, white and clouded, copper and lead-mines, fir-trees,* ash, white and red oaks, cedar, and various other trees. There are also a variety of rivers, with proper falls to erect iron-founderies, refineries, saw-mills, &c. where pig and bar iron are made; deal boards, marble slabs, &c. may be sawed by water. Masts, spars, staves, &c. furnished in abundance; of the preceding articles but little use is made for exportation. Wheat, rye, barley, Indian corn, oats, beans, pease, hemp, flax, beef, pork, butter, and cheese, are produced, in great abundance. The farmer in clearing the timber from his lands, can furnish great supplies of charcoal to serve furnaces, refineries, &c. and furnish large quantities of ashes to make pot and pearl ashes; these articles may be furnished cheap by the farmer, which would pay him, in many instances, for clearing his lands, instead of burning the timber on the ground to clear his lands.

A ship canal would be the means of importing salt, and exporting the preceding articles cheap; the remittances that would be made on these raw materials would enable the merchant to make punctual remittances; it would draw commerce from the east, that now centers at Boston,

¹ Or Richelieu river.

[*Pine-trees in America.]

Newbury Port, Portsmouth, &c. and add to the population of Lake Champlain. These measures would almost, beyond calculation, increase the commerce at both ends of said Lake, admit that heavy articles would principally pass the ship canal, yet when the reader takes into consideration the length of the river St. Lawrence, the frozen season, that goods are seldom imported but once a year to Quebec, that spring and fall shipments are seasonably made to New York, the necessity of making early remittances, &c. the proprietors of the canal from Hudson's River would be benefitted by said ship canal, in consequence of the extension of business; one circumstance that would tend much to draw commerce from the east to said Lake is, that it is customary for the merchant and farmer to move most of their heavy goods and produce by sleighs, in the frozen season; that the changeable weather on the sea coast at Boston, &c. spoils the sleigh path, so that about one journey in three are lost, while the more temperate and healthy climate of Vermont insures good sleighing for two months.

The British merchants and manufacturers know their capitals and connexions, and that the treaty of 1794 permits them to navigate said Lake, and need not be further informed how to take the advantage of that extensive business, which is better policy than confining commerce in a narrow channel, badly calculated for the present day.

In a memorial to the Governor, Council, and House of Representatives of Vermont, dated Aug. 18 1809, Allen stated

That in pursuance of legal instructions, from the Governor of Vermont, in 1795, to purchase military stores in Europe for the use of the militia of Vermont, and to obtain a grant for a ship canal from Lake Champlain to the River St. Lawrence, with certain privileges for the shipping of the United States, to pass to and from the open sea, by an act of the Legislature of Great Britain, your memorialist proceeded to Europe. For the particulars of the purchase, and capture of military stores, and proceedings respecting a ship canal, references made to the books of the Olive Branch, &c.¹

The words *legal instructions* in the foregoing extracts, in their connection with what follows, seem to imply that Allen was acting, in reference to both military stores and canal, as an official agent of the State, appointed and empowered by the governor by authority of law; but nothing could be farther from the truth, as will appear from the documents referred to by Allen at the close of the extract. The seizure of the arms had been defended in the British admiralty court on the ground that they were to be used, not in Vermont, but for an armed insurrection in Ireland; and in his zeal to rebut this pretence, which was exceedingly galling, because while utterly unfounded it was nevertheless ruining Allen, he used language that was not warranted by the facts. It was true that Gov. Chittenden had done nothing in this matter that was illegal; and nothing that was in any sense improper, but quite the contrary. In 1794, Vermont passed an act for the reorganization of the militia, in accordance with the national militia act, and provided that all persons subject to military duty *should supply themselves with arms and equipments*. From 1794 for several years the time was

¹*Letters of Ira Allen*, p. 4.

portentous, war seemed to be imminent, and a lack of means of defence would strongly invite it. In fact on the 19th of May 1794, in accordance with an act of congress of the 9th, President Washington had made a requisition upon the States for troops, and on the 21st of June Gov. Chittenden had ordered two thousand one hundred and thirty-nine Vermont troops to be organized, armed, equipped, and held in readiness to march at a moment's warning.¹ There was therefore an urgent demand for military supplies in Vermont and throughout the country, and a resort to Europe was probably the best way of getting them. These circumstances warranted the request, or as Allen occasionally says, the "instructions" of Gov. Chittenden to Allen to procure arms; but it is evident that Allen was to procure them at his own risk, and did so procure them, relying on sales to the Vermont militia to reimburse him. It is also evident from Allen's statements, that the ship canal was another private enterprise, to be undertaken by Allen himself on certain conditions, or by an incorporated company in case a charter could be procured. The following documents were all published by Allen.

The following documents were exhibited before the High Court of Admiralty in London, with ingenuous arguments by the claimant's counsel, yet the Judge condemned the said cargo, without the least evidence or circumstance exhibited in court on the part of the captors.²

[Open Letter from Governor Chittenden.]

SEAL OF THE STATE OF VERMONT.	}	To all people to whom these presents shall come, Greeting:
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Know ye, that the bearer hereof, the Honourable Ira Allen, Esquire, of Colchester, in the State of Vermont, in North America, having a disposition to go to Europe, I can say, he is esteemed a gentleman of Honor, a man of business & discretion, [or distinction,] and has, in this state, a large landed property; was late a Member of the Council of State, and Treasurer, Trustee of Loans, Surveyor General, Member, & Secretary of the board of War, Agent to Congress, to the General Courts of New Hampshire, New York, New Jersey, Pennsylvania, Delaware, & Maryland, and Missioner to the Commander in Chief of Lower Canada, to settle a Cartel of [for the] Exchange [of prisoners] to settle a truce, &c. and now first Major General of the Militia of this State, and one of the Corporation of the University of Vermont—all of which offices and missions he has discharged with honor & fidelity, which has contributed much towards the establishment of this government.

¹ *Vermont Gazette* of June 29 1794. The Governor and Council on the same day recommended the legislature at its next session to provide extra pay to the Vermont troops, and advised the governor to direct Brig. Gen. Eli Cogswell of Castleton to command the detachments.

² Ira Allen's *Olive Branch*, Philadelphia edition of 1805, p. 8; also the Burlington edition of 1802, p. 7. The two copies have unimportant variations.

Given under my hand & seal of this State, at the Council Chamber, at Windsor, this 27th. day of October, 1795.

THO. CHITTENDEN.

By his Excellency's Command.
TRUMAN SQUIRE, *Secretary*.

The above was followed by the contract for arms, several depositions, and correspondence showing that the purchase was made in good faith to procure arms for the use of the militia of Vermont. Among the documents was the annexed deposition from Gov. Chittenden :

I Thomas Chittenden Esquire, Governor, Captain General & Commander in Chief in & over the State of Vermont in the United States, at Williston in said State do testify & declare. That in November anno domini one thousand seven hundred & ninety-five, I requested Gen. Ira Allen to purchase arms and other implements of war in Europe, for the use of the Militia of this State, and I well knew it to be the intention of said Allen to purchase said arms & other implements of war for the Militia aforesaid. And further this deponent saith not. Dated at Williston this 4th day of May, 1797.

THOMAS CHITTENDEN.

Sworn to before Samuel Hitchcock, U. S. District Judge for Vermont.

Gov. Chittenden, to the Vermont Delegation in Congress.

WILLISTON, April 20, 1797.

Gentlemen, If you find it consistent, I wish you to apply to the British Ambassador as soon as you arrive in Philadelphia, & request his good offices in favor of Gen. Allen, who has lately had a large quantity of arms & military apparatus captured on their passage from France to this country on board the Olive Branch of Boston by the Audacious man of war. You can with the greatest propriety, assure him that the arms were intended for the Militia of this State, and purchased at my request. The loss of them will not only ruin Gen. Allen, but will be severely felt by the Militia who have been long waiting for these very arms, and as matters may turn out may have immediate occasion for them.¹

THOMAS CHITTENDEN.

*The Hon. Elijah Paine, Isaac Tichenor and Matthew }
Lyon Esquires Senators & Representatives from }
Vermont in Congress, Philadelphia.*

Allen referred to "instructions from Gov. Chittenden" in such a way as to show that he had left them in France. It is of course to be presumed that there was nothing in the "instructions" inconsistent with the governor's deposition and letters.

Ira Allen's Address "To his Excellency the Governor, the Honorable Council, and House of Representatives of the State of Vermont, to Convene in Oct. 1809."—Extracts.²

The Address of Ira Allen, late of Colchester, State aforesaid, now of Philadelphia in the State of Pennsylvania—Humby Sheweth:

¹A special session of Congress had been called for May 15 1797, in consequence of the aggressive measures of the French Directory. Gov. Chittenden evidently regarded a war with France as a possible result.

²*Letters of Ira Allen*, p. 4.

That in 1795 he went to Europe, and applied to his grace the Duke of Portland, one of his Britanic Majesty's principal Secretarie's of state, for a ship canal from Lake Champlain to the River St. Lawrence, with the other advantages for the shipping of the United States to pass to and from the open sea; his Grace and the Prime Minister Mr. Pitt were in favour of granting such ship Canal, as being interesting to the Mercantile interests of Great Britain;¹ and some bankers and merchants in London assured me, that in one week after obtaining an act of Parliament incorporating a company for that purpose, they would cause stock or shares in such Canal to be subscribed in London to complete such canal. But some objections were made that suspended the business for that time. Political events have removed all such objections, and made such canal much more interesting to both countries than was at the time of my former applications, and being determined to persevere in an object that I had many years under consideration: I am induced to apply to the Legislature of the State of Vermont, to be authorized in the name and behalf of the State, to apply to the President for the support of the executive of the United States, to carry into effect such ship canal, and if necessary to apply to the British Minister resident in the United States, or British Government on the subject.

These applications I can make with great convenience, as I shall soon apply to the President and British Minister for compensation for the illegal capture of the cargo of the Olive Branch, and damages resulting therefrom.² * * * For further particulars of the case of the Olive Branch and statements respecting a ship canal, I refer to the inclosed pamphlets and books of the Olive Branch,³ after making a few leading remarks to shew the interest the people of Vermont have in such a ship canal being accomplished. Suppose every bushel of wheat sent to market, through such canal, to be worth fifty cents more, then a Town that annually raised 2,000 bushels for market would be benefitted 1,000 dollars;⁴ add this to other exports of corn, beef, pork, butter, cheese, hemp, iron, &c. and the imports of salt, and other goods in proportion to 2,000 bushels of wheat, another 1,000 dollars probably would be saved. I believe most of the fertile towns in Vermont furnish at least 2,000 bushels of wheat for sale. I submit for the members of the Legislature

¹In a letter to Patrick Wall dated April 12, 1810, Allen named Mr. Pitt, the Duke of Portland, Mr. Fox, and others in London, as approvers of the scheme.—See *letters of Ira Allen*, p. 31.

²For a brief account of this affair, and Allen's consequent ruin, financially, see *Vt. Hist. Soc. Collections*, Vol. I, pp. 322-325.

³The volumes of the *Olive Branch*, and pamphlets referred to, are not in the possession of the State.

⁴At the time this address was written, and in the twenty years preceding, the production of wheat in Vermont far exceeded the quantity needed for consumption, and the excess was exported. In John A. Graham's *Descriptive Sketch of Vermont*, printed in 1797, it was stated that the yield of wheat in Sandgate was "generally from thirty to forty bushels per acre."—See p. 58 of that book. Tradition has given a much larger yield on land now covered by State street, Montpelier, to wit, eighty bushels to the acre.—See D. P. Thompson's *History of Montpelier*, p. 42.

to make their own calculations, and see if a saving of more than 200,000 dollars a year may not be made by a ship canal, to the people of Vermont.

Ira Allen to Gov. Galusha, Oct. 6 1809.¹

PHILADELPHIA, Oct. 6th, 1809.

Sir,—By the newspapers it appears that you will be governor of Vermont by the time this letter arrives in Montpelier, I therefore address it to you. I have to request that you take an early time to lay my address before the legislature, as it may take the members thereof some time to see the statements I have made on that subject in print, and to make their calculations on the advantages that would arise to the state by a ship Canal. This being a national and state question, for public benefit, I hope that political parties will unite for mutual advantages,² and that the authority of the Legislature will be sent me by post, on which I shall immediately repair to Washington, and by the assistance of the executive of the United States, their Minister in London, with the assistance of the British Minister with the British Government, and writing to my friends in London, I have no doubt of obtaining a grant for a ship Canal, and sufficient funds to complete the same.

I consider this a favourable time to accomplish this object, which I have been more than twenty years in pursuit of; you will therefore excuse me for urging a speedy answer, that I may not lose precious time.

I am, with great respect, your Excellencies most obedient humble servant,

IRA ALLEN.

His Excellency Jonas Galusha, Esquire.

That both the ship canal, and the purchase of arms in 1795-6, were not undertaken by the state of Vermont is evident from the following extracts from a deposition made by Allen on the 24th of February 1797:

Appeared personally Ira Allen, Esq. of Colchester, in the County of Chittenden, and State [of] Vermont, in North America, and a citizen of the United States, and made oath, that he is the true, lawful, and sole owner and proprietor of

15,000 muskets, and	} or thereabouts,
15,000 bayonets,	
21 brass four-pound field-pieces, and	
3 gun carriages,	

being the cargo laden on board the said ship Olive Branch, &c. * * * And he further saith, that he arrived in England from America some time on or about the 2d day of January, 1796, and on or about the 23d day of said month had a personal interview with his Grace the Duke of Portland one of his Majesty's principal Secretaries of State, respecting the cutting of the canal aforesaid from Lake Champlain to the river St. Lawrence, in Lower Canada, which he afterwards, in a correspondence with the said Minister, pointed out as an object likely to be productive of great public advantage, as well to Great Britain as to the State of Vermont, but the deponent being at length informed that his Majesty's government could not, by reason of the war, undertake to make any advances of money, he offered, under certain conditions, to cut the said canal at his own expence, and was thereupon informed, that the plan

¹*Letters of Ira Allen*, p. 6.

² Party spirit had been strong in Vermont for many years, and in 1809 the Jeffersonian republican party had elected Jonas Galusha governor for the first time, with republican majorities in both houses.

would, during the then approaching recess of parliament, be further considered by his Majesty's ministers.¹

Confident as Allen was of restitution from Great Britain for the capture of the Olive Branch, and also of the construction of the ship canal, he was disappointed in both. As this closes substantially the record in these volumes of Allen's various public services, his own estimate of them is the most fitting pendant. The following is from *Copies of Letters to the Governor of Vermont, &c. by Ira Allen*, printed at Philadelphia by John Binus, for the author, pp. 44-48:

Services of Ira Allen.

When in my teens, I served as a lieutenant with the green mountain boys. In the spring of 1775, I assisted an elder brother, (colonel Ethan Allen,) in taking British garrisons contiguous to Lake Champlain, which was the first offensive act in the revolutionary war. I assisted general Montgomery in taking the garrison of St. John's &c. in Canada, and was selected by that general as one of two officers to the confidential trust of making an attack on Cape Diamond, and throwing sky rockets to give the signal for three other detachments to attack Quebec, on that ever memorable night of the last of December 1775, when general Montgomery was killed. In February 1776, I left the continental army before Quebec, and returned to the New-Hampshire grants, for the express purpose of supporting the titles to lands, granted by the governor of the province of New-Hampshire, against illegal claims of land speculators, under subsequent grants made by the governor of the colony of New-York; and was amongst the first in projecting plans to establish a new state. In 1777, I served as a member and secretary of the council of safety, who were appointed by a convention that convened at Windsor, to establish a constitution, but adjourned without accomplishing it, in consequence of the evacuation of Ticonderoga by the continental troops; on our arrival on the west of the mountains, the council were of opinion that the generals who had evacuated Ticonderoga, had sent expresses to the governors of the states of New-Hampshire and Massachusetts, for assistance. I doubted, and was so determined as to retire, and wrote letters to said governors, signed them as secretary by order of council; prepared expresses, advanced expense money, then shewed said letters to the council, suggesting that if said generals had sent expresses to said governors, expresses from the council of safety would stimulate exertion; when the council consented to such despatches being sent, which were the first official despatches received by said governors on that subject, and was the means of general Starke with a detachment of troops from New-Hampshire assisting in the battle of Bennington. I then concerted ways and means to procure money to pay bounty, and to raise a regiment of rangers, who with general Starke's detachment, were principal in obtaining the celebrated battle aforesaid; in the mean time, from the knowledge I had of the country and people thereof, measures were concerted to obtain information from the enemy's camp, to learn their intentions to burn the continental stores at Bennington, and to know the day and time of day that colonel Philip Skeen would reinforce col. Bawn with fifteen hundred men; which induced general Starke to change his plan of attack, which had been determined to be on the 17th, to the 16th of August 1777, by which means colonel Bawn's detachment

¹ *Extracts from the first volume of the particulars of the capture of the ship Olive Branch*, printed at Burlington in 1802, pp. 78-80.

was defeated and pursued about three miles, when they met colonel Skeen, who was also defeated. In an interview with colonel Samuel Herrick, (commandant of said rangers,) and captain Ebenezer Allen, it was agreed that they should ascertain the situation of the enemy at Mount Independence, Ticonderoga, Lake George landing, &c. soon after which general Lincoln arrived at Bennington, and measures were projected, which caused the capture of Mount Defiance and Lake Georges landing; 472 Americans, then prisoners, were retaken, and 500 British were made prisoners, many British boats, &c. were taken. These victories may be stiled stepping stones to the capture of general Burgoyne and army, which laid the basis for a treaty with France in February 1778.

Much address was made use of to establish the constitution of Vermont, amidst war, political parties, claims of neighboring states, and opposition made by congress; these disputes rose so high, that British generals thought to profit by the dispute. A letter was addressed by colonel Beverly Robinson, to colonel Ethan Allen, which he received in July 1780, purporting to draw the people of Vermont from the cause of independence to the British interest. When in Philadelphia in September, attending congress, I concerted the plan of extending claims on the states of New Hampshire and New York, to counteract the claims of said states, to unite political parties in Vermont, with a view to lessen British military measures on the frontiers of Vermont, which enabled general Ethan Allen to make a truce with major Carlton in the fall of that year, and the British troops retired into Canada for winter quarters. I was then appointed by the governor and council, with major Joseph Fay, to negotiate with Justus Sherwood and George Smith, Esquires, British commissioners; several days were spent at Eastbay, on the subject of restoring peace and friendship. In April 1781, I was appointed by the governor and council, to go into Canada to settle a cartel for the exchange of prisoners, and truce with the British; both of these objects I effected in seventeen days, on the Isle-aux-noix. In these times, on the part of Vermont, I often attended congress, the legislatures of the claiming and other states, and frequently held interviews with the British commissioners at Skeensborough, for these measures were the cause of detaining a British army of about 10,000 men inactive, securing the frontiers of Vermont in peace and safety, and is supposed to have contributed much towards the capture of Lord Cornwallis and army, for it detained in Canada about one-third of the British forces in America inactive, which capture sealed the Independence of the United States.

In December new scenes of difficulty arose; the state of Vermont was threatened with military measures from the states of New York and New Hampshire. General Gansevoort marched with about 500 men into the West Union; he was opposed by col. Abbott with about an equal number of men, who encamped on a plain in cannon shot of each other; I was directed by the governor and council, to repair to said military detachments, and if possible, to restore peace. I visited colonel Abbott's camp, and endeavored to reconcile matters, pointing out the consequence of a civil war, when the liberties of all America were pending, and engaged him not to make any movements against gen. Gansevoort, until further orders from the governor and council.—I proceeded to general Gansevoort's camp; could not induce him to retreat from the West Union; he and his officers were much opposed to a civil war, yet considered themselves bound to obey their orders. I returned to the governor and council, and advised that the governor should direct a detachment of 500 men from the old bounds of Vermont, to proceed on horseback with field pieces, to assist colonel Abbott against general Gansevoort; that in that case, said general could with honor retreat before

a superior force, and would retreat, which was the only means that could be adopted to support the union, and avoid a civil war in the then existing state of political events, which measures were adopted, and general Gansevoort retired, and peace was restored without shedding blood. I was directed by the governor and council, to proceed to the general court of New-Hampshire, and if possible to reconcile all misunderstandings between the states of New-Hampshire and Vermont; and above all, to prevent a civil war; the same principles were adopted against New-Hampshire as New-York, and I took instructions from governor Chittenden, to lieutenant governor Paine [Payne.] that in case the government of New-Hampshire should send its militia into the East Union, that he should raise the militia on the east side of the mountains, and oppose force to force. On my arrival in Charlestown, I was informed by colonel William Page, that the legislature of New-Hampshire were on the point of ordering a military force, to subject the people east of Connecticut River to the laws of New-Hampshire. I caused copies of said instructions to lieutenant-governor Payne, to be copied and sent to several military men in the East Union, with an ostensible view to have the military prepared for the attack, but caused one copy to fall into the hands of a friend to New-Hampshire, who sent an express night and day to the legislature, in Exeter. The day before said express arrived, the general court had passed an order to major general Fulson, to raise the militia, to carry into effect the laws of New-Hampshire to Connecticut River. On receiving the copy of said instructions, &c. a doubt arose, whether if they should proceed, and be opposed by the militia of Vermont, from the west of Connecticut River, it might not terminate in a civil war, and the legislature be blamed by congress for provoking it; which caused delay for consideration. On my arrival, I found the members of the general court much enraged against Vermont, and no negotiation could be entered on; with much difficulty I found that the general court determined to send an agent to congress for advice, and to wait such agent's return, before any further proceedings.

I left the general court, and on my return requested lieutenant-governor Payne and the members of council, on the east side of the mountain, to attend in council at governor Chittenden's: on my report, Jonas Fay, Ira Allen, and Abel Curtis, Esquires, were appointed to attend Congress, where we arrived next day after said agent from New-Hampshire. We held many interviews with members of Congress, and were convinced that no measures would be carried into effect by Congress, against Vermont; about the 22d of February we left Congress, and set out in high spirits for Vermont; at colonel Griffin's, at the Fishkills, we met the unwelcome news that the legislature had dissolved said unions: we proceeded as fast as possible, with a view to take our seats in the legislature, and move for a reconsideration of the act dissolving said unions; but the legislature had adjourned the day before we arrived.

I was one of the principals in projecting and carrying into effect measures, that rendered null and void the grants of land made by the late colony of New-York, in Vermont, amounting to about 5,000,000 of acres, on paying thirty thousand dollars into the treasury of New-York, for the use of said grantees, which was paid by a tax of one half-penny, on the lands in Vermont, so that a single suit in law cannot be supported on those titles. These, together with other matters, in which I took a decided part, will be more fully shown in Allen's History of Vermont.¹

¹ From letters of Allen written in 1810 and 1811, it appears that he intended to print a revised and enlarged edition of his history published at London in 1798. It is to be regretted that he was unable to do this.

APPENDIX H.

SETTLEMENT OF THE CONTROVERSY WITH NEW YORK.

An account of the attempt in New York, in 1780, to close the controversy with Vermont, has been given in Vol. II, pp. 266-273. Several other attempts were made;¹ one of them as early as the winter of 1784-5, as stated in the following letter:

*Hon. William Samuel Johnson to Gov. Chittenden.*²

NEW YORK, 18th October 1785.

Sir:—I beg leave to mention to you, that the Bearer Mr. Kelly, and all the gentlemen of New York, who have Patents under the late Province of New York for Lands in Vermont, which had not been previously Granted by New Hampshire, exerted themselves extremely last Winter to serve the people of Vermont and obtain their Independence; For this purpose they presented a Petition to the assembly of this state, praying that they would pass a Law to enable their Delegates in Congress to Apply for and Consent to the Sovereignty and Independence of Vermont. In consequence of which a Bill was brought into the House of Assembly to that effect, a Certified Copy of which you have here enclosed.

Mr. Kelly has laid before me a Letter of Instructions and power of Attorney from the Gentlemen who presented the said Petition, directing him to offer their Lands to the persons now residing thereon upon such

¹ A report of a committee of the Vermont Assembly, on a memorial of John Jay in 1792, states:

It appears by the memorial of Mr. Jay, and the evidence of Judge Tichenor, that Mr. Jay signed four petitions to the legislature of New-York, for the purpose of bringing about a settlement between the citizens of Vermont and New-York, which was of very essential service, and facilitated that business.—*Printed Assembly Journal*, 1792, p. 70.

² WILLIAM SAMUEL JOHNSON, LL.D., agent in England for Connecticut in 1765, when he assisted the Vermont agent, Samuel Robinson.—*Vt. Hist. Coll.*, Vol. I, pp. 4, 274-5, 342. Mr. Johnson was a delegate in Congress when this letter was written; afterward a member of the Convention which formed the constitution of the United States, also of the first U. S. Senate; and president of Columbia (N. Y.) college from 1792 to 1800. He died in 1819, aged 92. The town of Johnson was named by him.

Terms, as upon the best Examination I have been able to give the Subject, appear to me reasonable and Just. I am induced therefore to request that you will recommend a Compromise to those Settlers; for if they should not avail themselves of this favorable opportunity of Securing an indisputable title to their Farms, the New York proprietors will probably ere long raise the price of said lands, which they alledge they had lotted out antecedent to the late War, and actually sold some parts thereof to persons who Settled thereon, and who in some instances executed Bonds and Mortgages for the Consideration Money, and in others entered into written Agreements for the purchase of them, and yet afterwards took Grants from Vermont for the same Lands.

Be assured Sir these Sentiments are dictated by the principles of Humanity and friendship for the Settlers, and a sincere desire to prevent expensive and ruinous Controversies which so litigated a Subject may occasion to both parties.¹

Give me leave to mention upon this occasion, that I should be extremely happy in an opportunity to renew our former acquaintance & friendship, & to converse with you, or any of your Friends, upon the general affairs of your State as relative to the United States, which have lately been the subject of much conversation here. I have the Honour to be with great respect & esteem

Y^r. Excell^ys most obedient humble Servant

W^m. SAM^l. JOHNSON.

His Excell^y Tho^s. Chittenden Esqr.

Action in the New York Assembly favorable to the Independence of Vermont.—1787.

In the spring of 1787,² Alexander Hamilton, a member for the city of New York, introduced into the Assembly a bill entitled "An act to empower and direct the delegates of this state in Congress, to accede to, ratify and confirm the sovereignty and independence of the people of the territory commonly called and known by the name of the State of Vermont." This bill gave ample powers, but upon three conditions: limiting Vermont to the territory between Connecticut river and the line twenty miles east of the Hudson—requiring Vermont to accede to the Union—and preserving New York titles to land in Vermont, to be prosecuted in the mode prescribed in the ninth of the Articles of Confederation. Doubtless the last proviso would have prevented the consent of Vermont, but it was at least an earnest attempt to secure its accession to the union as an independent state, and Hamilton's very able arguments undoubtedly had a great effect in securing the final and happy result.³

¹ As a literal copy of this letter has been attempted, it should be noted that thus far it was written by a secretary; the remainder was by Mr. Johnson.

² J. C. Hamilton gives the date of March 15. The *Vermont Gazette* of April 16 1787, states that the bill was agreed to in a committee of the whole house on the 23d of February, by a majority of ten.

³ *Works of Alex. Hamilton*, Vol. II, p. 374.

On presenting the bill, Mr. Hamilton made a few observations, of which only a brief sketch, from recollection, was published at the time, giving an interesting view of the urgent motives which prompted the measure. After much deliberation, the opponents of the bill resolved to apply to the assembly to be heard by counsel, and for that purpose employed *Richard Harrison*, "a lawyer and a scholar, distinguished for his ability, and learning, and probity."¹ The following is the record of the hearing and argument for the proprietors of land in Vermont under New York patents.

Mr. J. C. Hamilton did not give the sketch referred to, but fortunately the following extract from it has been found in the *Vermont Journal* of May 7 1787:

Extract from Col. HAMILTON'S speech, in the assembly at New York, when he brought in a bill for admitting into the union the assumed State of Vermont.

I confess I am in the habit of considering the state of this country replete with difficulties, and surrounded with danger. The anxiety I feel on this head has been my inducement to bring forward the present measure.

I view with apprehension the present situation of Vermont over which this state claims jurisdiction, and whose pretensions to independence have never yet been formally recognized, either by this state, or the United States. Notwithstanding, I believe there is not a member of this house but considers the independence of the district of territory in question is a matter fixed & inevitable. All our efforts to a different point have hitherto proved fruitless, and it is long since we seem to have entirely given up the controversy. Vermont is in fact *independent*, but she is not *confederated*. And I am constrained to add, that the means which they employ to secure that independence, are objects of the utmost alarm to the safety of this state, & to the confederation at large. Are they not wisely inviting & encouraging settlers by an exemption from taxes, and availing themselves of the discontents of a neighbouring state, by turning it to the aggrandizement of their own power.

Is it not natural to suppose, that a powerful people both by number and situation, unconnected as they now stand, & without any relative importance in the union, irritated by neglect, or stimulated by revenge—I say, is it not probable, under such circumstances, they will provide for their own safety, by seeking connections elsewhere? And who that hears me, doubts, but that these connections have *already* been formed with the British in Canada? We have the strongest evidence that negotiations have been carried on between that government and the leaders of the people of Vermont.² Whatever may be the present temper of the people, it is easy to foresee what it will become under the influence of their leaders. Confederated with a foreign nation, we can be at no loss to anticipate the consequences of such a connection, nor

¹ *History of the Republic of the United States*, by John C. Hamilton, Vol. III, p. 231.

² Col. Hamilton referred to both the Haldimand correspondence, Oct. 1780 to March 1783, and the negotiations with Lord Dorchester for free trade with foreign countries through Canada in 1786-7.—See Hamilton's rejoinder to Harrison, *post*.

the dangers from having so powerful a body of people, increasing rapidly in numbers and strength, associated with a foreign power, and ready upon any rupture to throw their weight into an opposite scale. In their present situation, they bear no part of our public burdens; if they were a part of the confederacy, they must of course participate in them. They are useless to us now, and if they continue as they are, they will be formidable to us hereafter. I have observed before, that the people there enjoy an exemption from taxes. In these states the taxes must be considerable to fulfil the public engagements; to support the government. What a temptation will a comparison of situations in this respect furnish to the inhabitants of those states bordering on Vermont? It is the policy of the Vermontese to make proselytes to their government, and the means which they employ for that purpose are too well calculated to accomplish their designs.

Argument of RICHARD HARRISON against Vermont.

NEW YORK ASSEMBLY, Wednesday, March 28, 1787.

Ten o'clock, a. m. The Order of the Day was then called for, when on motion of Col. Hamilton, Mr. Harrison, the counsel for the petitioners against the bill for declaring the independence of Vermont, was admitted within the bar of the house, and addressed the chair as follows:

Mr. Speaker, and Gentlemen of the House of Assembly:—I have the honor to appear before you this day in my professional capacity, as Counsel for the petitioners against the bill now depending before this honorable house, authorizing the delegates of this state in Congress to accede and confirm the independence of that district of country commonly called Vermont.

Upon this occasion I am an advocate for a numerous and respectable body of citizens, who from *that character*, and the relation in which they stand to the community at large, have the fairest and most unquestionable right to the protection of the state. The social compact, to which all the members of society are parties, and by which all of them are bound, was first formed to preserve the rights and properties of each, by the united strength of the whole; and this sacred compact must suffer the grossest violation, whenever the rights and properties even of the meanest individual are sacrificed without the most pressing and apparent necessity.

My clients, Sir, consider the present bill as fatally calculated to deprive them, without necessity, of all those advantages which they ought to derive from the character of citizens, with respect to their property in the north eastern part of the state. They trust therefore that the wisdom and justice of the legislature will be exerted in its rejection; and though they have thought it necessary to bring their objections to the bill before this honorable house, in the manner that is now adopted, yet it must be apparent, that they have depended so much upon the discernment of their judges, and the goodness of their cause, as to be little anxious with regard to the abilities of their counsel.

I hope, Sir, however, you and this honorable house will be convinced that diffident as I am of my abilities, I should not have presumed to come before you, if I was not fully in sentiment upon this occasion, that the interest of my clients and the public are the same. I flatter myself, Sir, that my sincerity will not be questioned, when I assure you that it is my most ardent wish (not to prevent, but) to promote every measure tending to the permanent happiness of a country in which I received my existence; to which I have been repeatedly indebted for great indulgencies, and in which all my future expectations are centered.

I proceed now to state those reasons which in the opinion of the petitioners ought to prevent the bill in question from being passed into a law. They consider it as *unconstitutional, impolitic*, and destructive to the property of themselves and many of their citizens. With respect to the two first grounds of objection, in all probability they would have been left entirely to the consideration of the legislature, if the petitioners had not found that their private interests were materially affected; but they trust there can be no impropriety in endeavoring to shew that a measure so *injurious to them* is at the same time inconsistent with the constitution, and repugnant to the maxims of sound policy.

The constitution, Sir, of this State, has expressly declared the counties of Cumberland, Gloucester, and Charlotte, compose the eastern district; and has directed that they shall be represented in our senate and assembly. As they are constituent and essential members of the body politic, particularly recognized by the terms of our constitution, it is surely a question of importance whether the powers delegated by the people to their representatives are such as will authorize them to mutilate the body by severing from it limbs that are of such fair proportion and undoubted strength. If the legislature can, without the consent of their constituents, separate for ever the bulk of the eastern district from the remainder of the state, by the same rule they may declare the southern district independent of the others, or reduce the state into as many distinct governments as there are counties within it—and thus this commonwealth, the citizens of which are bound together in *political union*, would like the *hydra* spring up into many monsters, all of whom would cherish different interests, and perhaps be armed for mutual destruction.

It is a maxim, Sir, in our constitution, that no authority can be exercised over the people of this state, but such as shall be derived from and granted by them; and this maxim as it is the vital principle which pervades the whole frame, so it must ever be adhered to whilst any regard for our constitution shall subsist. The legislature, Sir, are authorized by the constitution to frame laws for the government of the people, but as to any power of dismembering the state there is a total silence; and therefore it must be concluded, that the people have reserved this power to themselves, or that if it is delegated at all, it must be delegated to the Congress of the United States, to be only made use of when the events of war, and the necessities of the union, shall render it absolutely necessary. It is an awful thing, Sir, to exclude a great number of citizens (many of whom may be anxious to live under the constitution) from the protection of the state; and *that too for ever*. When I said that many of them might be anxious to live under our constitution I have said too little. It is a fact true beyond the possibility of contradiction, that a great proportion of the inhabitants in that district are sincerely attached to our government and wish ardently for its protection. Under these circumstances, Sir, if the legislature have even a doubt respecting the propriety of the measure, or its being constitutional, I am persuaded that they will avoid it.

Even in those cases, where full and absolute power is indisputably vested in the rulers, either by the terms of the Constitution, or by implication—yet I say, even in those cases, it has been the opinion of the best informed writers, that a nation cannot lawfully cut off any of its members from the body, unless in a case of extreme necessity, if the public service requires it. Such are the ideas of the great Vattel, in his first book, chap. 21st. The same masterly writer declares in the second chapter of the same book, that “if a nation is obliged to preserve itself, it is not less obliged carefully to preserve all its members. The nation (says he) owes this to itself, since the loss of even one of its members weakens

it and is injurious to its own preservation. It owes this also to the members in particular in consequence of the very act of association."

This honorable house, Sir, if they are satisfied with respect to their constitutional powers, will undoubtedly consider whether such a case of *extreme necessity* exists at the present moment. If it exists, the petitioners are totally ignorant of it, and they contemplate the measure as big with political consequences of the most dangerous and destructive nature.

It has been alledged indeed as an argument for the present bill, that the inhabitants of Vermont (having assumed actual independence) are forming improper connexions with the British in Canada, which at some future period may be destructive to America. But how, Sir, does this connexion appear? What evidence can be found of it? Where has it ever existed, except in the lively imaginations of persons out of doors, who for particular purposes have wished to avail themselves of popular prejudices and excite popular alarms? I am persuaded that the report must have originated in this manner, and after it was once raised, I presume that it will be no reflection even upon *discerning and distinguished patriots* to suppose that their zeal for the honor and interests of their country may have disposed them to treat it with too much attention.

Can it be supposed, Sir, that Great Britain at the eve of an expensive and unsuccessful war, after she has fully recognized the district of Vermont, as lying within the bounds of the United States, should now have an idea that any important purpose may be answered with respect to the confederacy by forming an indirect connexion with what is comparatively a small and insignificant corner of a single state?

Can it be supposed that the British Government is so weak, so irrational, as to endanger the tranquility and safety of their remaining colonies, for the sake of cultivating an acquaintance with people from whom they can derive no consequential advantages, and whom they could not possibly support against the power of the union, without renewing all the horrors of war and incurring the most enormous and destructive expence?

I cannot, therefore, but treat the supposed connexion between Vermont and the British Government as a phantom originally raised for the sake of political prejudices, but which when carefully examined will prove to be a mere phantom only.

If such a connexion, however, actually subsists, it is the duty of good citizens to produce the evidence. The proof of such a connexion would probably unite the sentiments of the American states with respect to Vermont. It could no longer then be a doubt, but she must be reduced to a *sense of duty*; and on the other hand as the conduct of Great Britain would be highly reprehensible, it would become the business of our rulers to remonstrate and demand satisfaction upon it.

But, Sir, if such a connexion actually subsists between Canada and Vermont, can this honorable house be assured that the present bill will dissolve it? May we not rather suppose that their inland situation and proximity to the lakes may prompt them, for the sake of commerce, to form still closer connexions with a foreign power, and will they not possess opportunities of doing mischief much greater than they have at present, when in consequence of this bill they are admitted into the public councils, and become acquainted with all the secrets of the union?

It would be well for gentlemen to consider calmly and dispassionately what are the natural consequences of the measure now in agitation. If two or three counties of the state, upon an idea that they have separate interests from the rest of the community, may not only declare themselves independent, but by tampering with a foreign power may terrify

the state into a recognition of their independence, who can pretend to ascertain the number of independent states that may start into existence in the remotest parts of our territory, or who can determine what they may be encouraged to attempt by so pernicious an example?

Already, Sir, has that example operated in more than one instance, and it will undoubtedly operate again in proportion to the success with which Vermont may be crowned. It appears to me therefore that the safest and wisest course is to destroy the evil in its bud, to resist the disease in its first attacks before it has made any considerable progress, or the contagion has extended itself to the nobler parts of the political body.

I believe, Sir, that experience will evince both in public and private life, that a firm, generous and manly plan of conduct is the result of sound policy and will eventually be most successful. It was this firmness, this manly spirit, that raised the Roman Empire to the highest glory, and if we wish our country to be proportionably great and flourishing, we should ask ourselves what would have been the conduct of that people upon similar occasions? Let their conduct during that dangerous war which they sustained with their Italian Allies whom they refused to admit as citizens of Rome till they submitted at discretion, let their conduct with regard to Pyrrhus whom they refused to treat with as a friend till he had drawn his forces out of Italy, let their magnanimity upon a thousand other occasions speak what they would have done, if an inconsiderable part of their citizens had presumed to declare themselves a separate and independent state.

But it has been said that Vermont in its present situation contributes nothing to the expences of the Union, at the same time that the inhabitants of that country are continually increasing; as the lowness of taxes induces the people of the neighbouring states to emigrate thither.

The former part of this assertion we *know* to be true, and the latter we have every reason to consider as a fact.

Mankind in general are disposed to place themselves in situations where subsistence is most easily attained, and the demands of government are comparatively lightest.

The emigration of Vermont is a consequence also of the abundant population in the eastern states, and it must continue as long as the balance of population is against Vermont, and land is to be procured there upon moderate terms.

But, Sir, altho' it must be admitted that the inhabitants of Vermont ought to pay their proportion of the public burdens, yet such is their remote and inland situation, and such the dearth of money amongst them, arising from that circumstance, and the want of external commerce, that this consideration alone is not of sufficient importance to make their admission into the union be considered as an object.

Besides, Sir, is it probable that the inhabitants of that district would render less advantage to the union if they were rated as a part of this state, than they would if they were considered as a separate and independent government? Would they not on the contrary, be in a condition to defray a greater proportion of the public burthens, if they were eased of those particular expences which must attend their internal government?

But even if the case was otherwise, it would undoubtedly be improper to sacrifice the honor and dignity of the state to such small and uncertain advantages.

Indeed, Sir, that sacrifice may be made on the part of this state, but what security have we, after all, that it will be accepted.

Already has this state made advances to those people, founded upon a

spirit of equity and calculated to remove every real grievance of which they could complain. Let gentlemen turn to the act of 1782, and enquire if any notice has ever been taken of it in Vermont? Have those people ever manifested the smallest desire for a reconciliation? Have they even condescended to state their objections to that act, or made any propositions upon the subject of it?

It is true that the present bill is more extensive than the former. It will sanction and ratify the independence of Vermont. But who can say that *they* will be content with the limits we have prescribed, or that they will be disposed to become members of the confederation?

The same reasons which might induce some persons to wish that Vermont was seated in Congress, as a part of the union, will in all probability impel them to reject the offer: and after sacrificing the honor and dignity of the state, we may have the mortification to see this bill, if it is adopted by the legislature, treated with the same silent contempt that was bestowed upon the last.

I have hitherto, Sir, been arguing against this bill, upon general principles, as if it affected the petitioners in common with their fellow citizens. I come now briefly to consider the peculiar objections which they as individuals have to offer against it.

And here, Sir, give me leave to mention the instructions I have received from the petitioners, to declare, that if this honorable house should be of opinion that the constitution of the state will permit, and the interests of it *require* Vermont to be acknowledged a separate and independent state, they should cheerfully acquiesce, provided the bill afforded any security for their property, or that they should receive a compensation for it.

In both these respects the bill now before the house is totally deficient. Not a syllable is mentioned of the property of the petitioners; not the least intimation is given that they will be paid for it, in case it should finally be lost.

I conceive, Sir, that I need not enter into a long and laboured discussion, to demonstrate that the state is bound by the strictest obligations to protect the property of its citizens. In fact this (as I have already intimated) is a fundamental article of the social compact. "The great and chief end (says Mr. Locke) of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property." And after pointing out what was wanting for that purpose in a state of nature, he adds "That the power of the society or legislative, constituted by them, can never extend farther than the common good, but is obliged to *secure every one's property*," by providing against the defects of a state of nature.

I will admit, Sir, however, that the public have a right to dispose of private property, when it becomes necessary for the common safety or advantage. But then, whenever this is the case, individuals have a fair and complete title to a compensation from the society, in lieu of *that property* which they part with for the public benefit. In such instances the public should be considered as an individual treating with an individual; and if the legislature obliges the owners to alienate or resign their property, it is bound on the other hand to give them a reasonable price.

Such, Sir, are the dictates of reason upon this subject; such are the principles which Judge Blackstone informs us govern the British legislature in cases of this nature.

But, Sir, it may be said that in consequence of the present bill the petitioners would be in a better state than they were previously to it—and it may be insisted that under an article of the confederation they would

be entitled to a fair trial for their property, by a court constituted in the manner which that treaty has designated.

The petitioners, Sir, are far from being convinced that they would be entitled to such a trial.

And at any rate it would be attended with such an enormous expence as the petitioners could by no means sustain, and to which sovereign states alone would be found equal.

To hold out therefore a federal Court as a relief to the petitioners, is in fact leaving them destitute of any, for it only offers such a remedy as it would be impossible for them to pursue.

Besides, Sir, in the present situation of things whilst the independence of Vermont is not acknowledged by this state, whilst some of the inhabitants of that district had their hopes and others their apprehensions that they may again be reduced to the obedience which they owe this government; many, if not all of them are solicitous to secure a good and permanent title for their possessions, by purchasing from the petitioners their rights under the state of New York.

But let this bill pass into a law, and the apprehensions of the people will be at an end. They will consider their independence as fully recognized whether they join the confederation or not, and they will from that time be indifferent as to any grants under a government from which they may consider themselves as irrevocably separated and forever estranged.

In this view, Sir, the very silence of this bill, with respect to the rights of the petitioners, will be the most fatal blow that they have ever received; and as it will come from hands to which they looked for protection, it must (like the dagger of Brutus) pierce more deeply and be more severely felt.

The petitioners therefore flatter themselves that this honorable house will either reject the bill, or add to it such clauses as may secure their property, or a compensation for it. They have every dependence upon the wisdom and integrity of the legislature—they claim that protection for which society was instituted; and whilst they are conscious of no fault, they trust that they shall receive it.

If the independence of Vermont should upon investigation be found essential to the interest and happiness of America, it will be the duty of the petitioners to acquiesce to it; but even then their private property ought not to be sacrificed to the public good without a public recompense.

It would without doubt argue a want of delicacy as well as judgment in the petitioners to dictate measures to the wisdom of the legislature—but deeply interested as they are in the decision of the present question, they flatter themselves that they shall be excused for suggesting that instead of the present bill, which will be construed into an acknowledgment of independence in Vermont, even if the conditions of it are rejected, it would be more consistent with the honor and dignity of the state, if Commissioners should be appointed to treat with such as may be nominated by the inhabitants of that district, as well concerning the property of individuals as the independence of the country.¹

In this mode, the petitioners might probably obtain security for their property or a great part of it, and unless that people are determined to treat all advances upon the part of the government with indifference and contempt, every subject of controversy might be adjusted upon principles of mutual and permanent advantage.

¹ The mode finally adopted.

Mr. Harrison then withdrew, and the house resolved itself into a committee of the whole house on the bill for declaring the independence of Vermont, Mr. Clark in the chair.²

Col. Hamilton addressed the committee subsequently as follows:

Speech of ALEXANDER HAMILTON in reply to Mr. Harrison.

The counsel for the petitioner has entered into a large field of argument against the present bill. He has endeavored to show that it is contrary to the Constitution, to the maxims of sound policy, and to the rights of property.

His observations have not been destitute of weight. They appear to have the more force, as they are to a certain degree founded in truth. But it is the province of the committee to distinguish the just limits of the principles he has advanced, how far they extend, and where they terminate. To aid the committee in this inquiry shall be my endeavor, and following the counsel for the petitioners through the different heads of his argument, I hope to be able to show that neither of the objections he has urged stands in the way of the measure proposed, and that the Constitution permits, policy demands it, and justice acquiesces in its adoption. The first objection is drawn from that great principle of the social compact,—that the chief object of government is to protect the rights of individuals by the united strength of the community. The justness of this principle is not to be disputed, but its extent remains to be ascertained. It must be taken with this limitation:—The united strength of the community ought to be exerted for the protection of individuals so far as there is a rational prospect of success; so far as is consistent with the safety and well-being of the whole. The duty of a nation is always limited by these considerations:—It is bound to make efforts and encounter hazards for the protection of its members, proportioned to its abilities, warranted by a reasonable expectation of a favorable issue, and compatible with its eventual security. But it is not bound to enter into or prosecute enterprises of a manifest rashness and folly; or which, in the event of success, would be productive of more mischief than good. This qualification of the principle can no more be denied than the principle itself. The counsel for the petitioners indeed admits it in substance, when he admits that a case of extreme necessity is an exception to the rule; but he adds that this necessity should be apparent and unequivocal. What constitutes a case of extreme necessity, admits of no precise definition. It is always a question of fact to be determined by a consideration of the condition of the parties and the particular circumstances of the case itself. A case of necessity then exists, when every discerning, unprejudiced man, well acquainted with facts, must be convinced that a measure cannot be *undertaken* or *pursued* with a probability of success. To determine this an experiment is not always necessary; circumstances may exist so decisive and palpable in their nature as to render it the extreme of temerity to *begin*, as well as to *continue* an experiment. The propriety of doing either the one or the other, must equally be decided by a judicious estimate of the national situation.

The tendency of the principle contended for, on the application of it in argument, has been to prove that the state ought to employ the common strength of the society to protect the rights of its citizens, interested in the district or territory in question, by reducing the revolted inhabi-

¹ From the *Daily Advertiser*, Vol. III, No. 657, New York, Tuesday, April 3, 1787.

tants of that district to an obedience to its laws. The inquiry therefore is,—Can this be done? Is the state in a situation to undertake it? Is there a probability that the object will be more attainable at a future day? Is there not rather a probability that it will be every day more out of our reach, and that leaving things in their present state will be attended with serious dangers and inconveniences? Is it even desirable, if practicable, to reduce the people in question under subjection to this State? In pursuing this inquiry we ought to bear in mind that a nation is never to regulate its conduct by remote possibilities or mere contingencies, but by such probability as may reasonably be inferred from the existing state of things, and the usual course of human affairs. With this caution, no well informed mind can be at a loss in what manner to answer the questions I have proposed. A concise review of the past, and a dispassionate consideration of the present, will enable us to judge with accuracy of the obligations and interests of the State.

The pretensions to independence of the district of territory in question began shortly after the commencement of the late revolution. We were then engaged in a war for our existence as a people, which required the utmost exertion of our resources to give us a chance of success. To have diverted any part of them from this object to that of subduing the inhabitants of Vermont, to have involved a domestic quarrel which would have compelled that hardy and numerous body of men to throw themselves into the arms of the power with which we were then contending, instead of joining their efforts to ours in the common cause of American liberty, as they for a long time did, with great advantage to it, would have been a species of frenzy for which there could have been no apology, and would have endangered the fate of the revolution more than any one step we could have taken. This idea is too obvious to need being enlarged upon. The most prejudiced will acquit the State from blame for not trying the effect of force against that people during the continuance of the war. Every moderate measure, everything short of hostility or a total sacrifice of those rights, which were the original cause of the revolt, and which are the occasion of the opposition to the present bill, were tried. Conciliating laws were passed, overtures made, negotiations carried on in Congress, but all to no purpose. The peace found the Vermonters in a state of actual independence, which they had enjoyed for several years,—organized under a regular form of government, and increased in strength by a considerable accession of numbers. It found this State, the principal seat of the war exhausted by peculiar exertions and overwhelmed in debt. The embarrassments arising from this situation press us daily. The utmost exertion of wisdom in our public councils would not be more than equal to extricating us from them. As matters stand, the public debts are unprovided for, and the public credit prostrate. Are we now in a situation to undertake the reduction of Vermont, or are we likely speedily to be in such a situation? Where are our resources, where our public credit, to enable us to carry on an offensive war? We ought to recollect that in war, to defend or attack, are two different things; to the first, the mountains, the wilderness, the militia, sometimes even the poverty of a country will suffice. The latter requires an *army* and a *treasury*.

The population of Vermont will not be rated too high if stated at nearly one-half that of New York. Can any reasonable man suppose that New York, with the load of debt the revolution has left upon it, and under a popular government, would be able to carry on with advantage an offensive war against a people half as numerous as itself, in their own territory; a territory defended as much by its natural situation as by the numbers and hardihood of its inhabitants? Can it be

imagined that it would be able, finally, to reduce such a people to its obedience? The supposition would be chimerical, and the attempt madness. Can we hope a more favourable posture of affairs hereafter? Will not the population and strength of Vermont increase in ratio to our own? There is, perhaps, no essential difference between their government and ours. The necessity of making provision, in one way or another, for the exigencies of the Union, and for the discharge of the debts of the State, must continue to subject our citizens to heavier burthens than are borne by the inhabitants of that country, who have no call for revenue beyond the support of their domestic administration. A country possessing a fertile soil, exempt from taxes, cannot fail of having a rapid growth.

The enterprise will of course become more difficult by delay, and procrastination can only serve to render the claims of the State and its citizens, in the opinion of mankind, obsolete, and to give the consent of time to the connection which the people of Vermont have, in all appearance, already formed with the British government. This last point I shall discuss more fully in another place.

I have confined myself in my reasoning to an examination of what is practicable on the part of this State alone. No assistance is to be expected from our neighbors. Their opinion of the origin of the controversy between this State and the people of Vermont, whether well or ill founded, is not generally in our favor; and it is notorious that the Eastern States have uniformly countenanced the independence of that country. This might suggest to us reflections that would confirm the belief of the impracticability of destroying, and the danger of attempting to destroy that independence.

The scheme of coercion would ill suit even the disposition of our own citizens. The habits of thinking to which the Revolution has given birth, are not adapted to the idea of a contest for dominion over a people disinclined to live under our government. And, in reality, it is not the interest of the State ever to regain dominion over them by force. We shall do well to advert to the nature of our government, and to the extent of this State according to its acknowledged limits. Are we sure we shall be able to govern what we already possess? Or would it be wise to wish to try the strength of our government over a numerous body of people disaffected to it, and compelled to submit to its authority by force? For my part, I should regard the re-union of Vermont to this State as one of the greatest evils that could befall it; as a source of continual embarrassment and disquietude.

It is hinted by the counsel for the petitioners that many of the inhabitants of Vermont are desirous of living under our government, and sanguine tempers have long ago predicted that they would shortly grow weary of their independence, throw it off, and become re-united with us and New Hampshire of their own accord. There are clear principles of human nature to which we may resort to falsify this prediction.

In popular governments, the sentiments of the people generally take their tone from their leaders. The leaders of Vermont cannot desire a re-union with New York, because this would amount to an abdication of their own power and consequence. The people of Vermont will not desire it, because no people ever desired to pass from a situation in which they were exempted from taxes, and in which they suffered no particular oppression, to one in which they would be subject to burthens comparatively heavy.

I now pass to an examination of the constitutionality of the measure proposed by the bill. It is observed, that by the constitution the counties of Charlotte, Cumberland and Gloucester are constituent parts of the

State; that one article of it declares that no power shall be exercised over the people, but such as is derived from and granted by them; that no express power is given to the Legislature to dismember any part of the State; and that this silence of the Constitution is a tacit reservation of that power to the people. To all this I answer, that the sovereignty of the people, by our Constitution, is vested in their representatives in Senate and Assembly, with the intervention of the Council of Revision, and that the power of dismembering the State, under certain circumstances, is a necessary appendage of the sovereignty. The practice of nations, and the authority of writers, conspire to establish this principle; and the safety of society requires it. There are certain situations of kingdoms and states, in which the sacrifice of a part is essential to the preservation and welfare of the rest.

History furnishes abundant examples of such sacrifices. Nations, in making peace, frequently cede parts of their territories to each other. Civil commotions have many times produced similar dismemberments. The monarchy of Spain, after a destructive and fruitless contest to preserve it, was obliged, at last, to surrender its dominion over the Netherlands. The crown of Austria was, in like manner, compelled to abandon its jurisdiction over the Swiss Cantons. And the United States are a recent and still more signal instance of the exercise of the same right. Neither of these instances has been censured or condemned, nor the power of the sovereign to accede to the separation called in question.

The celebrated author quoted by the counsel for the petitioners is explicit on this article, and decides with clearness that the prince or body intrusted with the sovereign authority may, in certain emergencies, dismember the empire, and lop off a limb for the good of the body. This inference from the silence of a Constitution, is the reverse of that drawn by the counsel of the petitioners. Doubts have been raised by particular theorists upon the subject, but their theories were too abstract for practice, and are now exploded by the ablest writers on the laws of nations. Indeed, those doubts were chiefly applied to the case of a cession or relinquishment of a part of the empire still in possession of the sovereign. It has long been considered as a clear point, that where a part of an empire is actually severed by conquest, or a revolution, the prince, or body vested with the administration of the government, has a right to assent to, and to ratify that separation. This is an obvious and important distinction, from which other inferences of moment will be drawn in another place. It will be found in Vattel, book four, chapter second.

Vermont is, in fact, severed from New York, and has been so for years. There is no reasonable prospect of recovering it, and the attempt would be attended with certain and serious calamities. The Legislature have, therefore, an undoubted right to relinquish it, and policy dictates that it should be done. It is of no force to say that this principle would authorize the dismemberment of Long Island, or of any other part of the State. There is no doubt, the same circumstances concurring, the same consequences would result, but not sooner; and it will be the duty of the State to endeavor to prevent a similar extremity.

The next thing in the order observed by the counsel for the petitioners that presents itself to our discussion is the policy of the measure. Against this it is objected that the precedent would be dangerous; that the facility with which Vermonters will have accomplished their object, might invite other parts of this State and the United States to follow their example. To this I answer, that examples have little to do with the revolutions of empire. Wherever such state of things exists

as to make it the interest or the inclination of a large body of people to separate from the society with which they have been connected, and at the same time to afford a prospect of success, they will generally yield to the impulse, without much inquiry or solicitude about what has been done by others, or upon other occasions; and when this is not the case, precedents will never create the disposition. Events of this kind are not produced or controlled by the ordinary operations of human policy, care or contrivance. But, whatever may be the effect of the example, it is too late to prevent or redress the evil. It sprang up under circumstances which forbade the application of an effectual remedy, and it has now acquired a maturity which would mock all our efforts to counteract it. Vermont is lost to New York, beyond the possibility of a recovery; and a passive acquiescence in its independence cannot make it more formidable, as an example, than a direct recognition of it. Success and impunity are the ingredients that are to constitute the force of the example, and these will exist in either case.

On the other hand, the policy of the measure results from two important considerations. The one, that by the union of Vermont to the Confederacy, it must of course bear a proportion of the public burdens; the other, that it would be detached from the completion of a connection already in all appearance begun with a foreign power. The incorporation of Vermont into the Confederacy is by the bill made an express condition of the acknowledgment of their independence. The first advantage was too obvious to be denied, though observations have been made to diminish its importance. Its inland situation has been noted as a circumstance that precluded the expectation of any considerable revenue from it. But the same thing might be said of the interior parts of this and of the other States; and yet we should make a much worse figure than we do, if our resources were to be drawn wholly from our Atlantic settlements. The country of Vermont is fertile and will soon be populous, and the resources which it may be capable of affording at a day not far remote, though not of great magnitude, will by no means be contemptible.

But the principal advantage to be expected from the measure is the one mentioned last. Here it is asked, Where is the evidence of the fact, where the proof of the connection? Would Great Britain, which has so recently, in a solemn treaty, acknowledged the territory in question to be comprehended within the limits of the United States, derogate from that treaty, and for so insignificant an object, as a connection with a small corner of one of the States, hazard a rupture with the whole Confederacy?

Not expecting a formal call for the evidence of the fact, my memory is not prepared to enter into all the details requisite to its full elucidation. I well remember that during the latter periods of the war, a variety of circumstances produced a conviction of its existence everywhere; in the army, in the Legislature, and in Congress. Among other transactions that came to my knowledge, I shall mention one as nearly as my recollection will serve me. Some time in the year 1781, Fay and Ira Allen, two of the most influential individuals in that country, went into Canada, and, we were well informed, had repeated interviews with Gen. Haldimand. Not long after, a party of British, under St. Leger, penetrated as far as Ticonderoga. A detachment from that body fell in by accident with a small party of Vermonters, fired upon them, killed one of their number, and took the rest prisoners. Discovering their mistake, they interred the dead body with the honors of war, and sent the prisoners home, loaded with kindnesses and caresses. From that period a free intercourse subsisted between Canada and Vermont. This is one proof,

and a pretty decisive one, to show that a connection was formed during the war. I doubt not there are others equally strong, within the recollection of other members of the committee. Since the peace, this intercourse has been cultivated with reciprocal zeal, and there are circumstances related [which I shall not repeat, as they do not come to me with sufficient authenticity] that look strongly to a continuance of the connection. If this connection ever existed, what reason have we to believe that it has been since dissolved? To me, I confess, there appears none. On the contrary, the situation of the parties in my opinion forbids the supposition of its dissolution.

I flatter myself, those who know my manner of thinking will acquit me of a disposition to sow groundless jealousies of any nation. I consider a conduct of this kind as undignified and indelicate in a public character; and if I were not persuaded the suspicions I entertain are well founded, no motive would have induced me to bring them forward.

It is asked, in substance, what object Great Britain can have in cultivating such connections. This admits of several answers.

Great Britain cannot but see our governments are feeble and distracted; that the Union wants energy; the nation consent. That our public debts are unprovided for; our federal treasuries empty; our trade languishing. She may flatter herself that this state of things will be productive of discontents among the people, and that these discontents may lead to a voluntary return to her dominion. She may hope to see in this country a counterpart of the restoration of Charles the Second. However mistaken they may be, it is not impossible that speculations of this kind may enter into the head of a British minister. The government lately established in Canada—the splendid title of Viceroy—seem to look beyond the dreary regions of Canada and Nova Scotia. In this view, she would naturally lay hold of Vermont as a link in the chain of events. It would be a positive acquisition of so much, and nothing could better answer the purpose of accelerating the progress of discontent than the example of a country, part of ourselves, comparatively speaking, free from taxes. Nothing could have a more powerful influence than such an example upon the inhabitants of the settlements bordering upon that country. How far and how rapidly it might extend itself is a matter not easy to be calculated.

But laying aside every supposition of this nature, there are motives of interest which would dispose the British government to cultivate Vermont. A connection with Vermont will hereafter conduce to the security of Canada, and to the preservation of the Western posts. That Great Britain means to retain these posts may be inferred from the interest she has in doing it. The ostensible reason for not having delivered them up heretofore is the infractions of the treaty on our part; but though these infractions in some instances cannot be denied, it may fairly be presumed that they are nothing more than the pretext for withholding the posts, while the true motive is the prodigious advantage which the monopoly of the fur trade affords to the commerce of the English nation. If Great Britain has formed the design of finally retaining these posts, she must look forward sooner or later to a rupture with this country; for, degraded as we are by our mismanagement, she can hardly entertain so mean an opinion of us as to expect we shall eventually submit to such violation of our rights and interests without a struggle. And, in such a case, Vermont would be no despicable auxiliary.

But would Great Britain hazard a war with the United States for so inconsiderable an object? In the first place, the object is not inconsiderable. In the next, our situation is not such as to render our resent-

ment formidable. This situation is perhaps better understood by everybody else than ourselves; and no nation would forego a present advantage to our detriment, while it knew that a change of government must precede any inconveniences from our displeasure. I do not suppose that the British government would, in the present state of things, commit itself to any avowed engagements with the people of Vermont. It will, no doubt, take care to be in such a situation as to leave itself at liberty to act according to circumstances; but it will, and I have no doubt does, by the intermediation of its officers, keep up a secret intercourse with the leaders of that people, to endeavor gradually to mould them to its interests, to be ready to convert them to its own purposes upon any favorable conjuncture or future emergency. This policy is so obvious and safe, that it would be presumable without any evidence of its existence.

On the part of Vermont, while their fate in the American scale remains suspended, considerations of safety would direct them to such a connection with the British government. They would not choose to lie at our mercy, or to depend on their strength, if they could find refuge or support elsewhere. There is a circumstance, too, mentioned with a different view by the counsel for the petitioners, which would contribute to this connection. I mean the relative situation of Canada and Vermont. It is asked, "May not this situation induce Vermont to reject the offer of independence, and prompt the people of that country, for the sake of commerce, to form still closer connections with a foreign power?" I ask, does not this situation, which it is supposed might have so powerful an influence, afford a strong presumption of the existence of such a connection? And is it not our true policy to take away every additional temptation?

I shall readily admit that it is very doubtful whether Vermont will accept the proffered acknowledgment of its independence, upon the conditions annexed. I firmly believe that she does not desire it, and that she would be perplexed by the dilemma to which she would be reduced. But whether she accepts it or not, the offer may be expected to have a good effect. It would at least serve to ascertain facts. Her refusal would be a conclusive evidence of a determined predilection to a foreign connection; and it would show the United States the absolute necessity of combining their efforts to subvert an independence so hostile to their safety. If they should find themselves unequal to the undertaking, it must operate as a new inducement to the several States to strengthen the Union.

In every light, therefore, the measure on national ground appears advisable; but it still remains to inquire what will be our duty in respect to the citizens of this State who are owners of land in Vermont. How far shall we violate their rights, and how far are we bound to make them recompense? The claim to a compensation is the thing which has been with most propriety urged by the counsel for the petitioners. Let us, however, examine its nature and foundation. But before I enter into this examination, I shall repeat an observation which I made on a former occasion. Whatever obligations there may be on the part of the State cannot be increased by acceding to the measure proposed. If Vermont is not irretrievably lost to this State, the duty of protection which it owes to individuals obliges it to employ the common strength to reinstate them in their rights. If it is irretrievably lost, no rights capable of being rendered effective will be sacrificed; of course, no obligation to make a recompense will exist. But the truth is, the present bill, so far from surrendering the rights of individuals, puts things in the only train in which they will ever have an opportunity of giving them validity.

The third clause of the ninth Article of the Confederation expressly declares that all controversies about the right of soil between the citizens of different States shall be decided by a federal court. The counsel for the petitioners tells us that *his clients* doubt the operation of this clause, but as he gives us no reason for the doubt, I shall only say that the terms of it appear to me clear and explicit. I have no doubt that the petitioners would be entitled to a federal court; and though that court would not decide in such a question like the tribunals of New York, but upon general principles of natural and political right, I should confidently expect that all equitable claims of our citizens would have their full effect. It is, however, further observed on this head, that the expense of such court would exceed the abilities of individuals, and could only be compassed by the resources of sovereign States. If this suggestion should be admitted to be true, [though I think the expense is greatly overrated,] yet surely it would be more reasonable to ask the State for its assistance in procuring a federal court to obtain justice to the petitioners, than to ask it to undertake a ruinous war for that purpose. The difference in expense would not bear a comparison. Indeed, the first would be a trifling object to the State, while the last would exceed its abilities, and perhaps end in its disgrace. But if the bill even contained no provision for obtaining justice to the petitioners, I should hold that the State would not be under a strict obligation to recompense them for their losses. The distinction I would lay down upon the subject is this: If a government voluntarily bargains away the rights, or disposes of the property of its citizens, in their enjoyment, possession or power, it is bound to make compensation for the thing of which it has deprived them; but if they are actually dispossessed of those rights, or that property, by the casualties of war, or a revolution, the State, if the public good requires it, may abandon them to the loss without being obliged to make reparation. The author quoted by the counsel for the petitioners has in view the case of a voluntary disposition of the property of citizens in the power of the State; and his doctrine is unquestionably just, but it does not apply to the case of an actual dispossession by any of those events in which nations have no choice. In wars between States, the sovereign is never supposed to be bound to make good the losses which the subject sustains by the captures or ravages of the enemy, though they should amount to the destruction of his whole property; and yet nothing can be more agreeable to natural equity than that those who happen to be the unlucky victims of the war should be indemnified by the community. But, in practice, such a principle would be found attended with endless difficulties and inconveniences, and therefore the reverse of it has been adopted as a general rule. The individual sufferer, however, might with great color of justice say to the government, Why did you make peace without stipulating a reparation for the damage done to your citizens? If it was necessary for the public good to sacrifice my interests, I have a right to a public compensation for my losses. Though this case may, upon a superficial view, appear dissimilar to the one under consideration, yet the principle, upon examination, will be found as applicable to the one as to the other. The true reason is, that the resources of nations are not adequate to the reparation of such extensive losses as those which are commonly occasioned by wars and revolutions; and it would therefore be contrary to the general good of society to establish a rule that there is a strict obligation to repay such losses. It is better that there should be individual sufferers than to admit a rule which would fetter the operations of government and distress the affairs of the community. Generosity and policy may, in particular instances, dictate such compensations.

Sometimes they have been made by nations, but much oftener omitted. The propriety of doing the one or the other must depend on circumstances in which the ability of the public will always be a primary consideration.¹

I think, sir, I have by this time gone through all the arguments that have been brought against the bill, and I hope satisfactorily refuted them. I shall say a little in answer to the observations drawn from the examples of Roman magnanimity. Neither the manners nor the genius of Rome are suited to the republic or to the age we live in. All her maxims and habits were military; her government was constituted for war. Ours is unfit for it; and our situation still less than our constitution, invites us to emulate the conduct of Rome, or to attempt a display of unprofitable heroism.

One more observation will conclude what I have to say. The present situation of our national affairs appears to me peculiarly critical. I know not what may be the result of the disordered state of our government. I am, therefore, the more solicitous to guard against danger from abroad. Gentlemen who view our public affairs in the same light in which they present themselves to my mind, will, I trust, vote with me upon the present occasion. Those, on the contrary, who think all is well—who suppose our Government is full of energy, our credit high, and trade and finances flourishing—will probably see no room for any anxiety about the matter, and may be disposed to leave Vermont in its present state. If the bill should fail, I hope they will never have occasion to regret the opportunity they have lost.

As to the petitioners, I shall only say, that I have no reason to doubt the purity of the motives with which they are actuated. With many of them I am too well acquainted to permit me to entertain any unfavorable impression of their conduct; but however their opinion of their own rights or interests may have misled them in estimating the merits of the question before the committee, I trust we shall be cautious how we suffer our judgment of a national question to be biassed or misguided by the speciousness of the arguments or appearances on which their opposition is supported.²

"The question was taken at the end of the [foregoing] speech, and the bill passed;"³ and on the 11th of April it finally passed the Assembly, twenty-seven to nineteen. The bill failed in the Senate.⁴

The following papers indicate the interest in this project felt by some of the most eminent statesmen of the country at that day:

*James Madison to George Washington—March 18 1787.*⁵

A proposition has been introduced and discussed in the Legislature of

¹ Mr. Hamilton, when Secretary of the Treasury, applied these principles to claims of the character indicated, of course disallowing them.

² *Hamilton's Works*, Vol. II, pp. 375-390.

³ *History of the Republic*, &c., Vol. III, pp. 230-235, where Col. Hamilton's age is stated to have been thirty, and this argument is characterized as "among the most able fragments of his eloquence which have been preserved."

⁴ H. Hall's *Early History*, pp. 442, 443.

⁵ *Writings of James Madison*, Vol. 1, p. 283.

this State [New York] for relinquishing its claim to Vermont, and urging the admission of it into the Confederacy. As far as I can learn, difficulties will arise only in settling the form, the substance of the measures being not disliked by any of the parties. It is wished by those who are not interested in claims to lands within that district to guard against any responsibility in the State for compensation. On the other side, it will at least be insisted that they shall not be barred the privilege of carrying their claims before a federal court, in case Vermont shall become a party to the Union. I think it probable, if she should not decline becoming such, altogether, that she will make two conditions, if not more: 1. That neither her boundaries nor the rights of her citizens shall be impeachable under the 9th article of Confederation. 2. That no share of the public debt already contracted shall be allotted to her.

*John Adams to Secretary John Jay—Extract.*¹

GROSVENOR SQUARE, LONDON, 8 May 1787.

The convention at Philadelphia is to consist of members of such ability, weight, and experience, that the result must be beneficial to the United States. The settlement of so many great controversies, such as those between the Massachusetts and New York, Pennsylvania and Connecticut, New York and Vermont, &c., shows that the union has great weight in the minds of the people. It is, indeed, an object of such magnitude, that great sacrifices ought to be made to its preservation.

No direct attempt seems to have been made in 1788 to secure the assent of New York to the independence of Vermont, but that year was marked by events which tended to this result. By the ratification of the constitution of the United States by New Hampshire, June 21 1788, the adoption of that instrument and the consequent change in the national government were assured. Virginia ratified the constitution on the 26th of June following, and New York on the 26th of July. This great event had a powerful influence on the Vermont question, in Vermont and New York particularly, and also in the country at large. In July 1788 Kentucky, with the consent of Virginia, had made application for admission to the Union, and the question had been deferred to the new U. S. government for decision, and it was assumed that it would be promptly attended to. "One of the first subjects of deliberation with the new Congress will be the Independence of Kentucky, for which the Southern States will be anxious. The Northern will be glad to send a counterpoise in Vermont."² At the same time the question was pending in Congress, then in session at New York city, as to the place where the new government should be called. The decision of this question would at least be an intimation as to the location of the future capital of

¹ *Life and Works of John Adams*, Vol. VIII, p. 439.

² Alexander Hamilton to Nathaniel Chipman, *post*. Mr. Hamilton had himself made a report, 3d June 1788, that "the District of Kentucke be erected into an Independent State, and the act for its admission into the Union," which was deferred in consequence of information that nine States had ratified the constitution.—*J. C. Hamilton's History of the Republic*, Vol. III, p. 481.

the country, and in any event New York was deeply interested and anxious to have all possible assistance on that question. The South and West would be naturally adverse to New York, while Pennsylvania was for its own great city, Philadelphia. Thus New York depended on the North and East, and in the North was Vermont, whose good will and aid would be valuable. There was therefore a stronger desire than ever among leading New York men,—particularly those politically opposed to Vermont's inveterate foe, Gov. Clinton—for a settlement of the controversy and the admission of Vermont to the Union.¹ The same event served also to change the disposition which had prevailed in Vermont since 1783, to remain an independent state until the government of the nation had become settled upon an acceptable and reliable basis.² The danger in Vermont then was not, so much as it had been, that the federal government would compel her to submit to the jurisdiction of New York, but that, if admitted to the Union without a settlement of the land questions, the New York titles would be confirmed by the federal court. Daniel Chipman thus wrote of this period:³

When, in the summer of the year 1788, it became evident that the constitution of the United States would be adopted by all the other states, and a national government established, the attention of the most intelligent men in the state was called to the peculiar situation of Vermont. To remain a small independent state, between the United States and the British province of Quebec, was not to be thought of, and to join the union, our controversy with New York remaining unsettled, and to subject our landed titles to the decision of the federal court, was considered by many to be extremely hazardous. Nathaniel Chipman was always fearful that, if the question should ever be brought before an impartial tribunal for decision, the New York title would be adjudged the better title.⁴ He had, therefore, been opposed to the granting of lands by this state, which had before been granted by New York. Having this view of the subject, he felt extremely anxious to devise some means by which the controversy with New York might be speedily adjusted. And in the early part of July, a number of gentlemen, among whom

¹ *Early History*, p. 444. *Eastern Vermont*, pp. 557, 558. The *Vermont Gazette* [Bennington,] of July 7 1788, published an extract of a letter from a respectable gentleman in New York to another in Bennington, representing the time as highly favorable to the admission of Vermont, to balance that of Kentucky, to which the Southern members were favorable; and the next number, July 14 1788, contained copies of the journals of Congress of June 2 and 3 1788, relating to Kentucky and favorable to her admission.

² Ira Allen in *Vt. Hist. Coll.*, Vol. I, p. 468; *Williams*, Vol. II, p. 252.

³ *Life of Nathaniel Chipman*, pp. 70, 71.

⁴ This fear was reasonable as to all New York grants made *previous* to the Order of the King in Council, July 24 1767. These grants covered about two hundred and fifty thousand acres.—*Vt. Hist. Coll.*, Vol. I, pp. 145–160.

were the late Judge [Lewis R.] Morris, then of Tinmouth, and the late Judge [Gideon] Olin, of Shaftsbury, met at his house in Tinmouth to hold a consultation on the subject, and they took this view of it. They said that Hamilton, Schuyler, Harrison, Benson, and other leading federalists¹ in New York must be extremely anxious to have Vermont join the union, not only to add strength to the government, but to increase the weight of the northern and eastern states. This was, therefore, the most favorable time for settling the controversy with New York, and it was agreed that Nathaniel Chipman should write to Hamilton on the subject. As the convention was then sitting or about to convene at Poughkeepsie for the adoption of the United States constitution by New York, of which [Alexander] Hamilton, [Philip] Schuyler, [Richard] Harrison, and [Egbert] Benson were members, it was concluded to send the letter by express.² The letter was delivered to Hamilton while attending the convention, to which he returned an answer by the express.

The correspondence thus introduced was as follows:

*Nathaniel Chipman to Alexander Hamilton.*³

TINMOUTH, July 15, 1788.

Sir:—Your character as a federalist, although personally unknown to you, induces me to address you on a subject of very great importance to the state of Vermont, of which I am a citizen, and from which, I think, may be derived a considerable advantage to the federal cause. Ten states having adopted the new federal plan of government, that it will now succeed is beyond a doubt. What disputes the other states may occasion, I know not. The people of this state, I believe, might be induced almost unanimously to throw themselves into the federal scale, could certain obstacles be removed. You are not unacquainted with the situation of a very considerable part of our landed property. Many grants were formerly made by the government of New York, of lands within this territory while under that jurisdiction. On the assumption of government by the people of this state, the same lands, partly it is said for want of information respecting the true situation of these grants, and partly from an opinion prevailing with some of our then leaders, that the New York grants within this territory were of no validity, have been granted to others under the authority of this state.

It is now generally believed, that, should we be received into the union, the New York grants would, by the federal courts, be preferred to those of Vermont. The legislature of this state have in some instances made a compensation to the grantees under New York; and I am persuaded would do the same for others were it in their power, but they are in possession of no more lands for that purpose. For these reasons, and I presume for no others, the governor and several gentlemen deeply interested in these lands granted by Vermont, have expressed themselves somewhat bitterly against the new federal plan of government. Indeed, were we to be admitted into the union unconditionally, it would produce much confusion. Now, sir, permit me to ask whether you do not think it probable that the federal legislature, when formed, might, on our accession to the union, be induced on some terms, to make a

¹ The word then only indicated supporters of the U. S. constitution.

² Daniel Chipman was the bearer of the letter, and the persons named above were at Hamilton's quarters when it was delivered. Hamilton's reply was doubtless the result of their conference.

³ *Life of Nathaniel Chipman*, by Daniel Chipman, p. 74.

compensation to the New York grantees, out of their western lands, and whether those grantees might not be induced to accept such compensation? Let me further suggest, whether it might not be favorable for Vermont to make some of those amendments, which have been proposed by several states, the basis of her admission?

Could the difficulties I have mentioned be removed, all interests in opposition would be reconciled; and the idea of procuring justice to be done to those whom we had, perhaps, injured by our too precipitate measures, and of being connected with a government which promises to be efficient, permanent and honorable, would, I am persuaded, produce the greatest unanimity on the subject. If you think these matters worthy the attention of the friends of the confederacy, be good enough to write by my brother, who will be the bearer of this. Our legislature will meet in October, when these matters will be taken up seriously. Several gentlemen of my acquaintance, who are men of influence and will be members of the legislature, have requested me to procure all the information in my power on this subject. Anything which you may suggest to me in confidence will be sacredly attended to, of which Mr. Kelley, who writes by the same opportunity, will give you the fullest assurance.

I am, with great respect,

Your obedient, humble servant,

NATHANIEL CHIPMAN.

Mr. Hamilton.

Alexander Hamilton to Nathaniel Chipman.

POUGHKEEPSIE, July 22, 1788.

Sir:—Your brother delivered me your letter of the 15th inst. which I received with pleasure, as the basis of a correspondence that may be productive of public good.

The accession of Vermont to the confederacy is doubtless an object of great importance to the whole; and it appears to me that this is the favorable moment for effecting it upon the best terms for all concerned. Besides more general reasons, there are circumstances at the moment which will forward a proper arrangement. One of the first subjects of deliberation with the new congress will be the independence of Kentucky, for which the southern states will be anxious. The northern will be glad to find a counterpoise in Vermont. These mutual interests and inclinations will facilitate a proper result.

I see nothing that can stand in your way but the interfering claims under grants of New York. As to taxation, the natural operation of the new system will place you exactly where you might wish to be. The public debt, as far as it can prudently be provided for, will be by the western lands, and the appropriation of some general fund. There will be no distribution of it to particular parts of the community. The fund will be sought for in indirect taxation; as, for a number of years, and except in time of war, direct taxes will be an impolitic measure. Hence, as you can have no objection to your proportion of contribution as consumers, you can fear nothing for the article of taxation.

I readily conceive, that it will be scarcely practicable for you to come into the union, unless you are secured from the claims under New York grants. Upon the whole, therefore, I think it will be expedient for you, as early as possible, to ratify the constitution, upon condition that congress shall provide for the extinguishment of all existing claims to land under grants of the State of New York, which may interfere with claims under the State of Vermont.

You will do well to conform your boundary to that heretofore marked

out by congress, otherwise insuperable difficulties would be likely to arise with this state. I should think it altogether unadvisable to annex any other condition to your ratification. For there is scarcely any of the amendments proposed that will not have a party opposed to it: and there are several that will meet with a very strong opposition; and it would therefore be highly inexpedient for you to embarrass your main object by any collateral difficulties. As I write in convention, I have it not in my power to enlarge.

You will perceive my general ideas on the subject. I will only add, that it will be wise to lay as little impediment as possible in the way of your reception into the union. I am, with much esteem, sir, your obedient, humble servant,

A. HAMILTON.

Mr. Chipman.

John Kelly (of New York) to Gov. Chittenden.¹

RUTLAND, STATE OF VERMONT, 23d August, 1788.

May it please your Excellency:—Three gentlemen of undoubted veracity and honor, who have stood forth for and publicly distinguished themselves as Friends to Vermont, are desirous to know upon what conditions this State would come into the union, being sensible that the present divided and truly unfortunate Situation of public affairs in some of the States would afford them an opportunity of exerting their influence in behalf of Vermont, and thereby render her such essential Service as they could not at any other period or in any other Situation be able to effect.

The Situation in which these Gentlemen at present stand with the Public, rendered a communication on their part improper. I have therefore been directed to Request such information on this subject, as will enable them to Serve the Interest of your Excellency's State. Relying that the same degree of prudence and Secresy which has hitherto distinguished the negotiations of Vermont will on this occasion be attended to.

Before I conclude, permit me to Observe, that I have suggested to these Gentlemen, that if Congress would exhonorate Vermont from the payment of all Taxes incurred in consequence of the exigencies of the late War, and prevail on those claiming lands in Vermont under the New York Title, ^{wh} had not been chartered by New Hampshire, to accept of a compensation from Congress in Wild Land to the Westward, in lieu of their Claims, I believed it would meet the wishes of the State of Vermont; to which Col. Hamilton (who is one of the Gentlemen above alluded to) Replied, that he had no doubt of being at present able, with the assistance of his friends, to obtain such favorable Terms for the Citizens of Vermont, as would effectually secure their property and relieve them from all Taxes on account of the War, if he could only be informed on what Terms Vermont would consent to come into the union. The other Gentlemen concurred in the same Opinion.

If your excellency should have any commands for Doctr. Johnson, Colonel Hamilton, Mr. Jay [Mr. Jay's name written and erased] or Mr. Mitchell, I shall with pleasure deliver the same, and bring back such answers as I may receive from these Gentlemen or any of them before the meeting of the Legislature. I have the honor to be, your Excellency's most obed't servt.

JOHN KELLY.

His Excellency, Governor Chittenden.

¹ Original in possession of the *Vt. Historical Society*.

*William Blodgett to Gov. Chittenden.*¹

NEW HAVEN, [Conn.] Sept 10, 1788.

Sir:—As the federal constitution is on the eve of being adopted, and it having been a subject of cogitation—"Whether Vermont ought to make application prior to this event or after, for an admission into the union." I have taken all opportunities with men of abilities to discourse [with] them on this subject. I have freely agitated the subject with the governor and delegates of this state, and they seem full of opinion, that the two powerful fears which we are apprehensive of,—exemption from Taxes prior to our recognition, and the ratification of our territory under our desired claim—will be admitted. In a litigation with Mr. Edwards (now gone to Congress) he said he would venture to assure us of this security, and would do all in his power to have the matter agitated in Congress. But as it will be impossible in the nature of things that Congress should make overtures to Vermont, I cannot see the impropriety of our delegates going to New York and fully sifting the members of Congress as to these two objects.

From a general principal which I find operating in the minds of most people, it inclines me to think that Congress as a body wish us to make overtures to them. They say we have neglected this application almost beyond the day of redemption, that the eastern states will co-operate with the southern from a principle that we pin our faith upon the sleeve of Canada, an idea which you are sensible is highly disgusting to all parties; and that self-confidence which we seem to possess from our peculiar location may eventually be a bane to our state; and that the energetic powers of the new Congress may very much alter the face of our standing on our present claims. Some have advised our junction at all events, and think as to public debt, should Congress claim our proportion, will estimate our numbers low and not insist on vouchers for all our expenditures, and that of course we can balance accounts, but this I conceive is too great a risque to be tampered with. The idea of our having been universally attached to the cause of the United States, and having been considered as a great Barrier in the late war, operates much in our favor.

I thought it my duty to communicate this information to your Excellency, and shall all other which may concern the people of Vermont. I am now on the business of getting my map engraved, and expect it will be finished by the middle of November. I have the honor to be your Excellency's obt. servt.

WM. BLODGETT.

His Excellency, Gov. Chittenden.

*Wm. Samuel Johnson to Gov. Chittenden.*²

NEW YORK, October 3d, 1788.

Sir:—I am happy to find by Mr. Kelly on his return from Vermont, that your Excellency and Council, as well as other influential characters with whom he conversed, are well disposed towards the new constitution of the United States, and would, he thinks, wish to come into the confederacy on terms which you conceive to be proper. This being the case, I cannot but take the liberty to suggest to you, that it really appears to me that this is the favorable moment for effecting it upon the most advantageous terms for all concerned. Besides more general reasons, there are circumstances of the moment which will forward the business extremely.

¹ Original in possession of *Vt. Historical Society.*

² Original in possession of *Vt. Historical Society.*

One of the first objects of deliberation with the new Congress will probably be the independence of Kentucky, for which the southern states will be anxious. The northern will therefore be glad to find a counterpoise in Vermont. I could mention many other circumstances if it were necessary, but I apprehend it will be sufficient to say, that I am well assured that the mutual interests and inclinations of the states will at this juncture particularly facilitate a proper result. Upon the whole, therefore, I think it will be highly expedient for you as early as possible to call a convention to ratify the constitution.

Mr. Kelly has mentioned to me that you are anxious to have your west boundary defined as you now possess it, and he fully explained your reasons therefor, which are cogent. I am also well aware of all the other objects you have in view, but conceive you need not be uneasy about particular circumstances, as I believe full and ample justice may now be rendered you.

I therefore apprehend it would not be advisable to encumber the assent of the people to the constitution with particular limitations and restrictions, but let it be in general terms, and then to authorize such gentlemen as the state can place an entire confidence in, to negotiate the particular terms of admission.

As I am obliged to leave town immediately, I have it not in my power to enlarge; you will perceive my general ideas on the subject. I will only add that it will be wise to lay as few impediments as possible in the way of your reception into the union, and beg you will remember that this is the favorable moment for you, and such another will in all probability never again offer.

I was extremely unhappy that I could not, when lately in Vermont, have an opportunity to pay you my personal respects, and to assure you of the great affection and esteem with which I am always your Excellency's most obedient humble servant,

WM. SAML. JOHNSON.

Alexander Hamilton to Nathaniel Chipman.

[Late in September or early in October, 1788.]¹

Sir:—Your favor of the sixth of September has been duly handed to me, and I receive great pleasure from the hopes you appear to entertain of a favorable turn of affairs in Vermont in regard to the new government. It is certainly an object of mutual importance to yourselves and to the union, and well deserves the best endeavors of every discerning and good man.

I observe with satisfaction your opinion that Vermont will not make a point of introducing amendments, (I mean as a condition of their accession.) That ground would be the most hazardous which she could venture upon, as it is very probable that such amendments as might be popular, with you, would be deemed inadmissible by the friends of the system, who will doubtless be the most influential persons in the national councils, and who would rather submit to the inconvenience of your being out of the union till circumstances should alter, than consent to anything that might impair the energy of the government.

The article of taxation is, above all, the most delicate thing to meddle with, for a *plenary* power in that respect must be considered as the vital principal of government; no abridgement or constitutional suspension of that power can ever, upon mature consideration, be countenanced by the intelligent friends of an effective national government. You must, as I remarked in my former letter, rely upon the natural course of things,

¹J. C. Hamilton's *Hist. of the Republic*, p. 533.

which, I am satisfied, will exempt you, in ordinary times, from direct taxation, on account of the difficulty of exercising it in so extensive a country, so peculiarly situated, with advantage to the revenue, or satisfaction to the people. Though this difficulty will be gradually diminished, from various causes, a considerable time must first elapse; and, in the interim, you will have nothing to apprehend on this score.

As far as indirect taxation is concerned, it will be impossible to exempt you from sharing in the burthen, nor can it be desired by your citizens. I repeat these ideas to impress you the more strongly with my sense of the danger of touching this cord, and of the impolicy of perplexing the main object with any such collateral experiments; while I am glad to perceive that you do not think that your people will be tenacious on the point.

It will be useless for you to have any view in your act to the present congress; they can, of course, do nothing in the matter. All you will have to do will be to pass an act of accession to the new constitution, on the conditions upon which you mean to rely. It will then be for the new government, when met, to declare whether you can be received on your terms or not.

I am sorry to find that the affair of the boundary is likely to create some embarrassment. Men's minds everywhere out of your state, are made up upon, and reconciled to that which has been delineated by congress. Any departure from it must beget new discussions, in which all the passions will have their usual scope, and may occasion greater impediments than the real importance of the thing would justify. If, however, the further claim you state, cannot be gotten over, with you, I would still wish to see the experiment made, though with this clog; because I have it very much at heart that you should become a member of the confederacy. It is, however, not to be inferred that the same disposition will actuate every body. In this state the pride of certain individuals has too long triumphed over the public interest, and in several of the southern states a jealousy of northern influence will prevent any great zeal for increasing in the national councils the number of northern voters. I mention these circumstances, (though I dare say they will have occurred to you,) to show you the necessity of moderation and caution on your part, and the error of any sanguine calculation for a disposition to receive you at any rate. A supposition of this nature might lead to fatal mistakes. In the event of an extension of your boundary beyond the congressional line, would it be impracticable for you to have commissioners appointed to adjust any difference which might arise? I presume the principal object with you in the extension of your boundary, would be to cover some private interests. This might be matter of negotiation. There is one thing which I think it proper to mention to you, about which I have some doubts, that is, whether a *legislative* accession would be deemed valid. It is the policy of the system to lay its foundation on the immediate consent of the people. You will best judge how far it is safe or practicable to have recourse to a convention. Whatever you do, no time ought to be lost. The present moment is undoubtedly critically favorable. Let it by all means be improved.

I remain, with esteem, sir,

Your obed't and humble serv't,

A HAMILTON.¹

¹*Life of Nathaniel Chipman*, p. 78; *Hist. of the Republic*, Vol. III, pp. 531-535. Daniel Chipman added to this correspondence the remark, that "in the winter following, Mr. Hamilton and Mr. Chipman had an inter-

Agents to Congress appointed and instructed.

Oct. 22. IN GRAND COMMITTEE of both Houses: Moses Robinson, Ira Allen, and Jonathan Arnold were elected *Agents to Congress*.¹

IN GENERAL ASSEMBLY: Oct. 25. *Resolved*, that it be the duty of the Agents to Congress to use all due diligence to remove every obstacle to the accession of this State to the Federal government.

*Memorial of John Jay and others to the New York Legislature, in favor of Vermont.*²

To the Hon. the Legislature of the State of New York, the Memorial of the subscribers, citizens of the said State, Humbly Sheweth,

That in the opinion of your memorialists, and (as they have reason to believe) of their fellow citizens in general, the present situation of the district, called Vermont, and the peculiar disposition and circumstances of its inhabitants strongly oppose a re-union under the government of this state, and that from such an event, even if it could without much difficulty be effected, no important advantages would result to New York.

That these considerations united with others of more general and national concern, concur to render your memorialists exceedingly desirous to see proper and constitutional measures taken for securing the said district unto the American confederacy as a free and independent state.

That to this end your memorialists take the liberty of suggesting to your Hon. body the expediency of appointing commissioners with full powers to treat of and agree to the independence of that district on such terms as may appear to them just and liberal and conducive to the general good.

That although your memorialists are interested in lands in the said district, and in several instances have well-founded claims on the justice of this state, yet they will be content to receive justice in any manner which the nature of the case and the situation of public affairs may point out as most expedient.

Your memorialists therefore humbly pray, that the subject may be taken into consideration, and such measures thereupon adopted as may appear most conducive to the honor and interest of this state, whether considered in its individual capacity, or as a member of the Union.

And your memorialists shall ever pray, &c.

view at Albany, when they took a view of the subject somewhat different from their views which appear in the foregoing correspondence, and agreed on a mode of settling the controversy, which was afterwards adopted by the two states."—*Life of N. Chipman*, p. 81. Alexander Hamilton was clearly the master-spirit in New York who brought about the settlement of the question in favor of Vermont. There was one bond of personal sympathy between the leading Vermonters and Hamilton, and that was dislike to Gov. Clinton, of whose opposition to the U. S. constitution Hamilton said, he "wishes to establish CLINTONISM on the basis of ANTI-FEDERALISM."—*Hist. of the Republic*, Vol. III, p. 507.

¹ ISAAC TICHENOR was subsequently elected in place of Allen excused.

²*Clinton Papers*. Ms. copy of Memorial in possession of *Vt. Hist. Soc.*

John Jay,	Benj. Stout,	John Leake,
John Rogers,	Benj. Judah,	Thos. Ellison,
Hamilton Young,	Mrs. Leight,	Ann McAdam, by her Att'y Rd.
Hugh Galt,	*John Bard, Jr.,	Varick,
Robert Troup, Att'y to Char-	*John Lawrence,	Elizabeth Graham,
lotte Hicks, widow,	Sam'l Landon,	Malicha Treat,
John Kelly,	Richard Norwood,	Henry Chapman, for himself and
Thophilact Bache,	*Elias Nixon,	heirs of Wm. Neat, Esq.
Thos. Gregg, Att'y to Henry	Chas. Nixon, for *John John-	dec'd,
Sadler,	son, his Att'y, and for the	Joseph Judevine,
John Mason,	Rev. *Thos. Clark,	*Gerard Duycking,
Alex'r Robertson,	Marinus Willett,	Frederick Rhinelande,
John Lindsay,	Jacob Leonard, for Mrs. Val-	Wm. Duer,
John Willson,	entine,	Hercules Mulligan,
John Shaw,	Ned McKenzie,	Daniel Nevin,
Thos. Stewart, by his Att'y John	*James Abeel,	Nicholas Cruger,
Shaw,	John Arthur,	*Peter Kemble,
Alex'r I. Hamilton,	*Gerard Walton,	Oliver Templeton,
Wm. Cockburn, for Mrs. Mar-	Gerard Walton, Ex'r of Jacob	Mary Beekman,
quett Livingston of Cler-	Walton,	Garret Abel,
mont,	*Wm. Walton,	Edmund Barden,
*Wm. Cockburn,	Robert Boyd,	John Cozine,
John Franklin,	Jacob Walton,	Sam'l B. Webb,
Sam'l Osgood,	Joseph Hallett,	Nicholas C. Bogart,
Daniel McCormick,	Henry Remsen,	Francis Groom.
*Samuel Bard,	Sam'l Traverse,	

New York, Feb. 13, 1789.

Feb. 27. The New York Assembly passed a bill, on the yeas and nays, forty to eleven, declaring the consent of the legislature of that State to the erection of the district of Vermont into a new State by the Congress of the United States; but it was defeated in the Senate.¹

Act of New York to negotiate with Vermont.

On the 6th of July, a bill was introduced into the Assembly of New York for the appointment of commissioners to negotiate with Vermont. On the 8th, the petition of John Jay and others, bearing date Feb. 13 1789, and given herein as of that date, was presented; and on the 14th the bill became a law, as follows:²

An act appointing Commissioners, with power to declare the consent of this state of New York, that a certain territory within the jurisdiction thereof, should be formed or erected into a new state. Passed July 14, 1789.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same: That Robert Yates, Rufus King, Gulian Verplanck, Robert R. Livingston, Simeon De Witt, Richard Varick and John Lansing Jr. Esqrs. shall be and are hereby appointed Commissioners, with full power to them, or any four or more of them, in their discretion, as they shall judge the peace and interest of the United States in general, and of this State in particular, to require the same, and on such terms and conditions, and in such manner and form, as they shall judge necessary and proper, to declare the consent of the legislature of this State, that such district or territory, within the jurisdiction and in the northeastern and northern parts thereof, as the said Commissioners shall judge most convenient, should be formed and erected into a new State—and every act of any four or more of these Commissioners hereby appointed, in the execution of the power aforesaid, shall be as effectual to every purpose as if

* Those thus marked were allowed claims by the N. Y. Courts.—See *Early Hist.* VI, 510, 511.

¹ *Early History*, p. 444. *Assembly Journal of N. Y.*, Feb. 27 1789.

² *Early History*, p. 445. *Laws of New York*, 13th Sess., p. 2.

the same had been made an immediate act of the Legislature of this State. *Provided always, and it is hereby declared*, That nothing in this act contained is intended or shall be construed to give any person claiming lands in such district to be erected into an independent State, any right to any compensation whatsoever from this State.

*New York Commissioners to Gov. Chittenden.*¹

Sir:—We do ourselves the honor of enclosing your Excellency a copy of an act of the Legislature of the State of New York. You will be pleased to make such communication thereof as you may deem expedient, and to advise us of any measures which may be taken on your part to effect the attainment of the object it contemplates. Your communications addressed to us under cover of Messrs. Yates, De Witt and Lansing, at Albany, we beg leave to assure you will receive the earliest attention from your Excellency's most obdt. and very hum. servts.,

Signed, { ROBT. LIVINGSTON,
ROBT. YATES,
JOHN LANSING, jun'r.
RUFUS KING,
GULIAN VERPLANCK,
SIMEON DE WITT.

Albany, July 16, 1789.

His Excellency, Thomas Chittenden, Esquire.

October Session of the General Assembly, 1789.

Oct. 14. His Honor the late Governor came into the House [by request of the House] and communicated such letters and advices as he had received from abroad, touching our situation with the Federal Government of the United States.²

Oct. 16. *Resolved*, that this House join his Excellency and the Council in Grand Committee on the business of appointing Commissioners to treat with the Commissioners appointed by the State of New York.

His Excellency the Governor and Council having joined with the Assembly:

IN GRAND COMMITTEE, for the above purpose, his Excellency in the chair, Roswell Hopkins, Clerk: an act entitled "An act appointing Commissioners with power to declare the consent of the Legislature of this State of New York, that a certain territory within the jurisdiction thereof, should be formed or erected into a new State," passed July 15, 1789, was read. The question being put, Whether this Committee would recommend to the Legislature to appoint Commissioners, to treat with the Commissioners of the State of New York agreeable to said act? it passed in the affirmative.³

A sub-committee of seven was appointed to draft a bill, which was reported on the 17th; and the Grand Committee recommended its passage, and immediately thereafter the Assembly accepted the report. On the 19th the bill was sent to the Governor and Council for revision and concurrence, or proposals of amendment; on the 20th amendments were proposed by the Council, one of them being to strike out the proviso to the act, which was rejected, 64 to 29. Still again, on the 23d, the Council

¹ Ms. *Vt. State Papers*, Vol. XXIV, p. 27.

² Printed *Journal*, p. 20.

³ Printed *Journal* p. 27.

proposed the same with other amendments, which were again rejected by the Assembly; and afterwards, on the same day, the Council concurred with the Assembly, and the bill became a law, as follows:¹

An act appointing Commissioners for the purposes therein mentioned.

WHEREAS it is of consequence that the line between the State of Vermont and the State of Newyork be ascertained and established, and that certain obstacles to the admission of the State of Vermont into union with the United States, should be removed: Which purposes to effect,

It is enacted by the General Assembly of the State of Vermont, That Isaac Tichenor, Stephen R. Bradley, Nathaniel Chipman, Elijah Paine, Ira Allen Stephen Jacob, and Israel Smith, Esquires, be, and hereby are, appointed Commissioners in behalf of this State, with full power to them, or any four or more of them, to treat with Commissioners that now are, or hereafter may be appointed by the State of Newyork, and who shall be fully authorized and empowered, by the said State of Newyork, to ascertain, agree to, ratify, and confirm, a jurisdictional or boundary line between the State of Newyork, and the State of Vermont: and to adjust and finally determine, all and every matter or thing, which in any wise obstructs a union of this State with the United States. And,

It is hereby further enacted, That every act or agreement of the said Commissioners, or either four or more of them, made and entered into by and with certain Commissioners that now are, or hereafter may be appointed by the State of Newyork, in the execution of the powers aforesaid, shall be as effectual to every purpose, as if the same had been an immediate act of the Legislature of this State.

Provided always, That nothing in this act shall be construed to give the said Commissioners power to lessen or abridge the present jurisdiction of this State; or in any wise oblige the inhabitants of the same, or any other person or persons claiming title to lands heretofore granted by this State, or the late province of Newhampshire, to relinquish their claims under the jurisdiction thereof; or in any wise subject the State of Vermont to make any compensation to different persons claiming under grants made by the late province and now State of Newyork, of lands situate and being in the State of Vermont, and within the jurisdiction of the same.²

Agents to Congress elected.

IN GRAND COMMITTEE: Oct. 27. Isaac Tichenor, Stephen R. Bradley and Elijah Paine were elected "Agents to transact the negotiation

¹ Printed *Journal*, pp. 28, 29, 30, 38, 42, 44, 45, 51.

² Pamphlet *Acts*, p. 9. That this act was not entirely acceptable, is evident from the following pasquinade, published in the *Vermont Gazette*, Jan. 25, 1790:

At Westminster, lately, the State of Vermont,
After due consultation determin'd upon't,
That *seven good men* were sufficient to join
With New York to determine the government line,
Remove all obstructions and point out the way
For Vermont in the Union her star to display;
But alas! brother freemen, I fear it will prove
We have raised *six* or *seven* new blocks to remove.

of this State, with the Congress of the United States of America, for admission into the federal government.”¹

Correspondence of the Commissioners of Vermont and New York.

[Abstracts and Extracts.]

The preceding act of Vermont, Oct. 23, 1789, was communicated to the New York Commissioners in November, who replied in December, inviting a meeting in New York City, which was accordingly held in February following, when the annexed correspondence occurred. The documents, from which this account was prepared by HILAND HALL, were furnished to him by HENRY STEVENS, in 1858. The letters of the New York Commissioners were originals, and those of the Vermont Commissioners were copies. The extracts are indicated by quotation marks.

Vermont Commissioners to New York Commissioners.

“NEW YORK, No. 151 Water Street, Feby. 9, 1790.

To the Honble. the Commissioners of the State of New York.

Gentlemen:—In pursuance of an act of the State of Vermont, passed the 23d October 1789, which we had the honor to communicate in November last, and in consequence of your letter to us of the 21st December, we have arrived in this city, and are ready to receive any communications from you on the subject of our appointment. With sentiments of esteem we are your obedient and very humble servants.

ISAAC TICHENOR,
STEPHEN R. BRADLEY,
NATHL. CHIPMAN,
ELIJAH PAINE,
STEPHEN JACOB.”

New York Commissioners to Vermont Commissioners.

NEW YORK, No. 49 Smith Street, Feby. 9, 1790.

The New York Commissioners wish to meet the Vermont Commissioners at the city tavern at six o'clock this afternoon.

ROBERT R. LIVINGSTON,
ROBERT YATES,
RUFUS KING,
JOHN LANSING, Jur.,
SIMEON DE WITT.

New York to Vermont Commissioners.

Feb. 10. Protesting that nothing in the manner of conducting the negotiation shall be construed into any relinquishment of the claims of New York, unless a treaty be fully completed “by the admission of Vermont into the Union,” they propose to treat on the following grounds:

1. “To consider the commissioners on the part of Vermont as acting under the authority of an independent state.

2. “To treat with them on that footing relative to the boundary lines of Vermont and New York.

3. “If we should agree upon such boundary lines, to relinquish the claims of the State of New York to any territory within or jurisdiction over any part of what shall, upon such settlement of the limits, be considered as the State of Vermont.”

¹ Printed *Journal*, p. 59.

Vermont to New York Commissioners.

Feb. 10. They agree to the foregoing, "provided the vacating of grants made by letters patent under the late province of New York, where the same shall interfere with any grant or extend to any lands granted by the State of Vermont, and the extinguishment of the claims of the patentees under the same, be also a subject of the negotiation."

Feb. 11. "In addition to our communication of yesterday, relative to the patents under the late province of New York, interfering with grants which have been made by the state of Vermont, we conceive it our duty in order to prevent any misunderstanding or surprise, to mention that such of the patents of New York and grants of New Hampshire as interfere, or cover the same lands, are also to be an object of the negotiation."

New York to Vermont Commissioners.

Feb. 11. They submit to the Vermont commissioners "whether your powers authorize you to relinquish the claims of the grantees of lands under Vermont, or to stipulate a compensation for an extinguishment of the interfering claims of the grantees under New York. If not, we conceive that we are obliged to confine our negotiations to the points mentioned in the second and third propositions which we have heretofore laid before you."

Vermont to New York Commissioners.

Feb. 12. They think their powers sufficient, but it has been mutually agreed that the present negotiations shall not be binding, unless it terminates in the admission of Vermont into the Union, and they propose to proceed with the negotiation until they find obstacles to a further progress, if any.

New York to Vermont Commissioners.

Feb. 12. They are not satisfied with the powers of the Vermont Commissioners to treat in regard to compensation for the relinquishment of the New York land claims, and propose to treat only of the other two subjects, viz: the settlement of the boundary, and the removal of objections to the admission of Vermont into the Union.

Vermont to New York Commissioners.

Feb. 12. The business of the negotiation is anticipated by the New York Commissioners, because until the matter is discussed it cannot be determined that Vermont should make compensation, or if any, in what way. "If in the course of the negotiation the powers of the Commissioners on either part should be found insufficient to carry into effect such measures as shall be mutually thought *necessary, just and reasonable*, the negotiation must be at an end, unless the respective legislatures will enlarge those powers."

New York to Vermont Commissioners.

Feb. 12. They complain of the Vermont Commissioners for wishing to treat of matters beyond their powers, viz: "the vacating the patents under New York," "though in our apprehension you were not authorized to offer us any equivalent for this sacrifice had we been disposed to make it." They therefore ask: "Can you bind your State to make territorial or pecuniary equivalent to the patentees under New York, if we should take measures with you for the extinguishment of those claims? If you cannot, are you willing to proceed upon the principles laid down

in our first propositions, to treat of the two points, to which we mutually agree that your powers are competent?" "The further progress of the negociation must depend on your answers to these questions."

Vermont to New York Commissioners.

Feb. 13. They object again to anticipating the negociation, but answer: "That although we are not empowered to treat with individual claimants for a relinquishment of the grants under which they claim, or to bind the State we represent to make a compensation to such individual claimants, yet we are of opinion we are fully authorized by the law under which we act to stipulate a compensation to the State of New York for any extinguishment that State shall make of private claims, if found to be just and reasonable. If this answer be satisfactory, we think it necessary to ask whether the Commissioners on the part of New York were themselves authorized to extinguish, on any terms, the claims of the patentees under the late province of New York, which interfere with the grants made under the State of Vermont and the late province of New Hampshire."

New York to Vermont Commissioners.

Feb. 13. They do not recognize the distinction taken by the Vermont Commissioners between their powers to treat for compensation to individuals and to the State of New York. They submit their powers to the Vermont Commissioners, and declare they cannot negotiate in regard to the relinquishment of land patents.

Vermont to New York Commissioners.

Feb. 13. "*Gentlemen:*—We must judge of the avowed objects of the law under which we act. As you decline to treat with us upon a subject which manifestly appears to be the most important object of the law as it respects the State of Vermont, the treaty is at an end. We are very unhappy that a misunderstanding of the law, as to the powers given to us, should defeat the designs of the two governments.

"We have the honor to be, gentlemen, your obt. and humble servts."

[Signed by the Vermont Commissioners.]

The negotiations having been suspended for the *reason* that the powers of the New York Commissioners were insufficient to provide for annulling the New York patents, an application was immediately made to the Legislature of that State, then in session at Albany, for the passage of a new act.¹ The Vermont Commissioners appear to have remained in New York, or Albany, waiting the result,² until the act was passed, when the New York Commissioners immediately furnished them with a copy of it as follows:

"An act appointing Commissioners with power to declare the consent of the Legislature of this State, that a certain territory, within the jurisdiction thereof, should be formed into a new State. Passed March 6, 1790.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same: That Robert Yates, Robert R. Livingston, John Lansing, junior, Gullivan Verplanck, Simeon De Witt, Egbert Benson, Richard Sill, and Melancton Smith, shall be, and hereby are appointed Commissioners, with full

¹ *Journals of N. Y. Assembly*, from 15th February to March 6, 1790.

² See their report to the Vermont Assembly of Oct. 21, 1790, *post*, p. 460.

power to them or any four of them, in their discretion as they shall judge the peace and interest of the United States in general, and of this State in particular, to require the same, and on such terms and conditions, and in such manner and form as they shall judge necessary and proper, to declare the consent of the Legislature of this State that such district or territory within the jurisdiction, and in the northeastern and northern parts thereof, as the said Commissioners shall judge most convenient, should be formed and erected into a new State; and with further full power to treat, conclude and agree with any person or persons, or any assemblies or bodies of people touching the premises, or touching the ceding or relinquishing the jurisdiction of this State over such district or territory, or touching the securing or confirming of rights, titles, or possessions of lands within such district or territory, held or claimed under grants from the State of New Hampshire while a colony, or under grants, sales or locations made by the authority of the government or jurisdiction now existing and exercised in the northeastern parts of this State, under the name or style of the State of Vermont, against persons claiming the same lands under grants from this State while a colony, or since the independence thereof; and every act of any form or name, of the Commissioners hereby appointed, in the execution of the powers aforesaid, shall be as effectual to every purpose, as if the same were an immediate act of the Legislature of this State. *Provided*, such grants, sales or locations by or under Vermont, do not extend to, the westward of the towns granted, located or occupied under the late colony of New Hampshire, which lay in that part of the country aforesaid, between the north boundary of the commonwealth of Massachusetts, continued from the northwest corner thereof towards Hudson's river, and a parallel line extending eastward from the point of land where Fort Edward formerly stood, until it meets with the west bounds of any of the said granted, located or occupied towns.

II. *And be it further enacted by the authority aforesaid*, That whatever stipulations shall be made by the Commissioners appointed by this act, with any person or persons, or any assemblies or bodies of people touching the premises, or touching the ceding or relinquishing the jurisdiction of this State over such district or territory, or touching the securing of rights, titles or possessions of lands within said district for a compensation for extinguishing the claims to lands within such district, or derived under the late colony of New York, shall be for the use of such claimants, although in such stipulations such compensation shall be for the use of this State, or for the people thereof; and that nothing in this act contained shall be intended or construed to give any such claimants any right to any further compensation whatsoever from this State, other than such compensation which may be so stipulated as aforesaid.

III. *And be it further enacted by the authority aforesaid*, That the act entitled An act appointing Commissioners with full powers to declare the consent of the Legislature of this State of New York, that a certain territory within the jurisdiction thereof, should be formed or erected into a new State, passed the 16th day of July, in the year one thousand seven hundred and eighty-nine, shall be and hereby is repealed."¹

¹*Objections of Gov. Clinton to the foregoing act overruled by the Council of Revision.*

[From Street's *N. Y. Council of Revision*, pp. 416-418.]

IN COUNCIL OF REVISION, Albany, March 5 1790.

Present—Governor Clinton; Livingston, Chancellor; Yates and Hobart, Justices.

The following facts are gathered from papers furnished by Mr. STEVENS:

The bill entitled "*An act appointing commissioners with power to declare the consent of the Legislature of this State, that a certain territory within the jurisdiction thereof should be formed or erected into a new State.*" was before the Council. The Governor reported the following objections to the bill as being against the Constitution of this State and the United States, viz.:

1. Because the said bill is calculated, and should it become a law, may have the effect to take the property of individuals for the benefit of the public without recompence, in direct violation of the principle recognized in the seventh article of the amendments to the Constitution of the United States, so lately ratified by the Legislature of this State, which expressly declares "that private property shall not be taken for public use without just compensation."

2. Because this bill confers discretionary powers upon the Commissioners therein named, to destroy the rights and extinguish the claims of the citizens of this and other States, to lands within a certain district. The vacating of charters and patents, which are among the most solemn rights, by the mere force of legislative authority, is at all times a high-handed stretch of power, and utterly incompatible with the idea of a just and more especially of a free republican government, rendering the rights and titles of citizens uncertain and insecure, depriving them of the benefits of the ordinary course of justice, and leaving them dependent on the mere will of the Legislature, to the destruction of all confidence in that government to which they submitted for the great end of protection, as well in the enjoyment of their property as of their lives and liberties. And this bill is rendered the more exceptionable by a delegation of this extraordinary power to individuals, and giving to their acts the force and validity of law without being subject to the correction or examination of the Legislature.

3. Because, by this bill, the rights of citizens under charters and letters patent, which may be ranked among the highest species of contracts, may not only be impaired, but extinguished, in direct violation of the tenth section of the first article of the Constitution of the United States, which declares that no State shall pass any any law impairing the obligation of contracts.

4. Because, if the district of Vermont should be erected into a distinct State, and received into the Union without any further intervention of this State than what is required by the Constitution of the United States, the proprietors of land would not be deprived of their rights by this change of jurisdiction, but by the operation of this bill their claim may be extinguished and they divested of the privileges secured to them as citizens of the United States, by the second section of the third article of the Constitution, which extends the powers of the judiciary to cases of this nature.

5. Because the acts of the commissioners, under this bill (should it pass into a law.) will either have the effect of extinguishing the grants under New York and debarring the claimants of any remedy in the Federal courts, or they will not. In the last case, the act would be a deception upon the people of the district styled Vermont, unworthy of government, and be far from promoting the peace and happiness of the United States in general, or of this State in particular, which the bill has in contemplation. In the first case, it is to be observed, that the judicial power of the Union is, by the second section of the third article of the

New York to Vermont Commissioners.

March 1790.¹ Robert Yates, Gulian Verplanck, Egbert Benson, Richard Sill, and Melancton Smith, the New York commissioners, addressed the Vermont commissioners, enclosing the act of that State appointing them. Referring to the previous negotiation, they propose "to proceed to the conference in expectation that, if it should appear advisable to the commissioners on both sides, that by the articles of final agreement rights of any persons derived under grants from New York are to be extinguished and that the State of Vermont is to pay monies to the State of New York, that it will then appear to you not improper to consent on your part, that the operation of the article for extinguishing rights should be suspended until the legislature of Vermont shall have declared that you were authorized to agree to the article stipulating for the payment to the State of New York, or that the business will be found susceptible of such other modification as to afford the respective parties equal and reasonable security."

Vermont to New York Commissioners.

"Gentlemen:—We have the honor to communicate to you, in answer to your letter of this day, (inclosing an act of the legislature of the State of New York appointing commissioners for the purposes therein mentioned,) that we are ready to proceed to the conference you propose, and are willing, in case any doubts shall arise in the course of the treaty respecting the powers granted by the law under which we act, to suspend the operation of the treaty till the same shall be ratified by the legislature of the State of Vermont."

It seems that the treaty not being completed at New York in March 1790, an agreement was made for the commissioners to meet again at Stockbridge, Massachusetts, in July following.

Gulian Verplanck for New York to Vermont Commissioners.

July 9, 1790. Regrets their disappointment in not meeting the New York commissioners, and requests them "to name a time and place for a

Constitution, extended to controversies between a State and citizens of another State; and it is a well known fact, that citizens of other States claim lands in the said district under patents granted by New York. If, then such citizens can have their remedy against this State in the Federal courts, and command a compensation for the injury received by annulling their grants, would it not be most unjust that our own citizens should be precluded, merely because they live under our immediate protection.

6. Because, although the bill may produce the effect of extinguishing the claims of the New York patentees, where they are citizens of the State, and bound by its laws, yet this cannot be urged with respect to citizens of another State, who may maintain their suit against claimants under Vermont in a Federal court, and recover just compensation; while our citizens will be deprived of redress, not because they have less justice on their side, but because this bill, in its operation, may have precluded them from any remedy.

These objections were overruled by the Council, and the bill became a law.

¹New York, March 6, 1790, was the date, but it is supposed to have been a few days later, as that was the date of the act at Albany.

future meeting to be held on condition of your receiving such information from the commissioners on the part of New York as may satisfy you of their intentions to attend on the occasion."

Vermont Commissioners to Mr. Verplanck.

July 9, 1790. Will meet the New York commissioners "at New York or Bennington on the 27th day of September next as they shall appoint, provided we receive seasonable intimations of their wish and readiness to attend."

Isaac Tichenor to New York Commissioners.

Bennington, Aug. 4, 1790. Has received their letter fixing the time and place of meeting at New York, and will communicate the information to his colleagues.

The commissioners met at New York as agreed, and the papers, of which the following are abstracts and extracts, passed between them:

Propositions of the New York Commissioners, Oct. 1, 1790.

1. That Vermont without delay use the requisite means to be admitted into the union of the United States.
2. That from the admission the boundary line be as now occupied, &c. If an extinguishment of New York grants be required, then
3. That all New Hampshire grants prior to grants from New York, to be decreed valid, the state of New York to appoint a commissioner to reside at Albany, to receive descriptions of such lands granted by New York, and not previously granted by New Hampshire, and on payment to such commissioner at the rate of 18 cents per acre for such land, the grants from New York to be thereby extinguished.

Vermont Commissioners to New York Commissioners.

Oct. 2. They cannot assent to these propositions. The third proposition is inadmissible, and they submit terms as follows:

1. The boundary between the two states to be a line beginning at the north-west corner of the state of Massachusetts, thence west-ward, along the south boundary of Pownal, to the south-west corner thereof, thence northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells and Poultney, as the said townships are now held or possessed, to the river, commonly called Poultney river, thence down the same, through the middle of the deepest channel thereof, to East Bay, thence through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicates with Lake Champlain, thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands, called the Four Brothers, and the westward of the islands, called Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle La Motte, to the forty-fifth degree of north latitude; and that the state of New York be forever concluded from claiming any lands or jurisdiction east of said line.
2. That Vermont shall make provision for New York claimants in those cases only where the grants under Vermont shall have been declared good and valid against them, and shall make such compensation as the Legislature of Vermont shall deem just and equitable, provided the claims be exhibited to the Legislature by a certain day to be fixed.
3. That Vermont will take all due means to be admitted into the union.
4. That all New Hampshire and Vermont grants shall be good and valid, and all interfering New York grants void, except confirmation grants.

New York to Vermont Commissioners.

Oct. 2. They do not object to the boundary, supposing it to be as jurisdiction is now exercised. Are also ready to assent to a total extinguishment of rights under New York grants, provided we can agree as to the terms. Wish to know whether a proposition that Vermont should pay a sum of money to New York; or that claims under New York to lands not granted by New Hampshire, should be referred to commissioners, to be appointed by the President of the United States, or in other impartial manner to be determined; or a proposition, the effect of which not depending on the discretion of the Legislature of Vermont, will furnish a recompense to the New York claimants, are admissible?

The answer to the foregoing inquiries does not appear to be among the papers.

New York to Vermont Commissioners.

“NEW YORK, 4 Oct., 1790.

“*Gentlemen:*—In answer to your note of yesterday, we inform you that we shall never agree as a matter of compact, to a proposition to leave the New York grantees wholly to the discretion of the Legislature of Vermont, and at what point of differences between you and us we shall on our part decline further to treat, is, in the present stage of the business, a premature inquiry. We conceive it to be previously the duty of the commissioners, on both sides, to attempt every modification of terms or propositions, and with this will be sent you our letter of Saturday last, and to which we shall still expect your answer.”

The papers do not give the course of the subsequent negotiation. It seems, however, that the New York commissioners proposed to accept the sum of \$30,000 as a compensation for the relinquishment of the New York titles, to which the following answer was returned.

Vermont to New York Commissioners.

“*Gentlemen:*—If we rightly understand your proposals of yesterday, they comprehend two propositions:—the first contemplates a total extinguishment of the New York grants, where they interfere with the New Hampshire grants, on the payment of 30,000 dollars, and makes no provision for the extinguishment of the interfering Vermont grants. The second makes provision for the extinguishment of the Vermont grants, and leaves the New Hampshire grants to be contested at law. In this view of the proposition, it is inadmissible.

The commissioners on the part of Vermont, in answer to your proposals of yesterday, say that they cannot agree to your proposition so far as respects the sum of 30,000 dollars for an extinguishment of all the New York claims, and in lieu thereof do propose that it shall be optional with the Legislature of Vermont to pay the sum of 20,000 dollars for the extinguishment of all New York claims, or leave the payment to be made by individuals at the rate of ten cents per acre for such of the New York claims only as interfere with the Vermont grants; all the New York grants interfering with the New Hampshire grants to be vacated without any compensation whatever. Some small alterations from your proposals in the conditions of payment might be necessary.

If you, gentlemen, can meet with us in these views, we will ensure a compliance on the part of your [our] government.”

It is probable that the further intercourse of the respective commissioners was oral rather than written. It terminated on the 7th of Octo-

ber, 1790, by the execution by the New York commissioners of a formal instrument in writing, which was accepted by the Vermont commissioners as the basis of a final adjustment of the whole controversy. It was as follows:

“ To all to whom these presents shall come:

Be it known, that Robert Yates, John Lansing, junr., Gulian Verplank, Simeon De Witt, Egbert Benson and Melancton Smith, commissioners, appointed by an act of the legislature of the State of New York, entitled ‘An act appointing commissioners with powers to declare the consent of the legislature of this State, that a certain territory within the jurisdiction thereof should be formed into a new State,’ passed the 6th day of March last:—Do hereby, by virtue of the powers to them granted for the purpose, declare the consent of the legislature of the State of New York, that the community now actually exercising independent jurisdiction, as the STATE OF VERMONT, be admitted into the United States of America, and that immediately from such admission all claim of jurisdiction from the State of New York, within the State of Vermont, shall cease, and thenceforth the perpetual boundary line between the State of New York and the State of Vermont shall be as follows, viz:—Beginning at the north-west corner of the State of Massachusetts, thence westward along the south boundary of the township of Pownal, to the south-west corner thereof, thence northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells and Poultney, as the said townships are now held or possessed, to the river, commonly called Poultney river, thence down the same, through the middle of the deepest channel thereof, to East Bay, thence through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicates with Lake Champlain, thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle La Motte, to the forty-fifth degree of north latitude. And the said commissioners do hereby declare the will of the legislature of the State of New York, that if the legislature of the State of Vermont shall, on or before the first day of January, in the year one thousand seven hundred and ninety-two, declare, that the State of Vermont shall, on or before the first day of June, in the year one thousand seven hundred and ninety-four, pay to the State of New York the sum of thirty thousand dollars, that immediately from such declaration by the legislature of the State of Vermont, all rights and titles to lands within the State of Vermont, under grants from the government of the late colony of New York, or from the State of New York, except as hereinafter excepted, shall cease; or, if the legislature of the State of Vermont shall not elect to make such declaration, then that, except in cases where the grants from New York were intended as confirmations of grants from New Hampshire, all rights and titles under grants from the government of the late colony of New York, or from the State of New York, to lands within the State of Vermont which may have been granted by the governor of the late colony of New Hampshire, shall cease; and the boundaries, according to which such grants from the government of the late colony of New Hampshire have been held or possessed, shall be deemed to be the true boundaries. And the said commissioners do hereby further declare the will of the legislature of the State of New York, that all rights and titles to lands within the State of Vermont under grants from the government of the late colony of New York, or from

the State of New York, and not granted by the government of the late colony of New Hampshire, shall be suspended until the expiration of three years after the governor of the State of Vermont, for the time being, shall have been notified that a commissioner, to be appointed by the State of New York, after the first day of January, in the year one thousand seven hundred and ninety-two, and to reside and hold a public office at the city of Albany, shall have entered upon the execution of his office; and if, within one year after such notification, there shall be delivered to such commissioner, either the original or a certified abstract, containing the date, the names of the grantees, and the boundaries of a grant from New York; and if, thereupon, at any time before the expiration of the said term of three years above mentioned, there shall be paid to such commissioner at the rate of ten cents per acre for the whole or any parcel of the lands contained in such grant from New York, all right and title under such grant shall, in respect to the lands for which payment shall be made, cease, and a receipt under the hand and seal of such commissioner, specifying the lands for which payment shall be made, shall be evidence of the payment. And in default of delivering the original, or such certified abstract of the grant, to the commissioner, within the said term of one year, for that purpose above limited, all right and title under the grant, in respect of which there shall be such default of delivery, shall cease; but where the original or certified abstract of the grant shall be duly delivered to the commissioners, and if thereupon payment shall not be duly made to the commissioner, the right and the title under the grant, in respect to the lands for which payment shall not be made, shall remain, and suits for the recovery of such lands may be prosecuted in the ordinary course of law, provided the suit be commenced within ten years after the State of Vermont shall have been admitted into the Union of the United States, otherwise the right and title under the grant from New York shall in such case also cease.

In testimony whereof, the said commissioners have hereunto set their hands and affixed their seals, the seventh day of October, in the fifteenth year of the independence of the United States of America, and in the year one thousand seven hundred and ninety.

Witnesses:

Richard Varick,
Alexander Hamilton,
Samuel Jones,
Robert Benson.

ROBERT YATES, [L. S.]
JOHN LANSING, junr., [L. S.]
GULIAN VERPLANCK, [L. S.]
SIMEON DEWITT, [L. S.]
EGBERT BENSON, [L. S.]
MELANCTON SMITH, [L. S.]¹

Action of Vermont on the Report of the Commissioners.

IN GRAND COMMITTEE, Oct. 21 1790. —The report of the Commissioners for settling of a boundary line between this State and the State of New-York, was read:

Also, a declaration of the Commissioners of the State of New-York, proposing a settlement of the said boundary line, and relinquishing claims of jurisdiction, and other claims to the State of Vermont, was read.²

The report of the Commissioners was as follows.

To the Honl. the Legislature of the State of Vermont:—Your commissioners appointed to treat with the commissioners of New York on a boundary line between the two governments and the removal of certain

¹ *Vt. Gazette*, for October 25, 1790.

² Printed *Assembly Journal*, 1790, p. 26.

obstacles which prevent the admission of Vermont into union with the United States, *Report*: That in January last they commenced their negotiation—that after sundry communications and conferences the business terminated in a repeal of the act giving powers to the commissioners on the part of New York; and a new act was passed by the legislature of New York, then in session, appointing commissioners with full and direct powers to treat with us on the objects of our appointment. After opening the negotiation with them, we agreed to adjourn to Stockbridge the 6th of July then ensuing, at which time we convened, but by reason of the indisposition of two of the commissioners on the part of New York, we were necessitated to adjourn to the 27th of September then ensuing, at the city of New York, where the negotiation was resumed and closed on the 7th instant, by receiving from the commissioners of the State of New York their OFFICIAL ACT, which we now present to the legislature for their consideration.

ISAAC TICHENOR,
STEPHEN R. BRADLEY,
NATHL. CHIPMAN,
IRA ALLEN,
ELIJAH PAINE,
ISRAEL SMITH.

Castleton, Oct. 21, 1790.¹

IN ASSEMBLY, Oct. 22 1790.—The report of the Commissioners appointed to treat with Commissioners from the State of New-York, and the act of the Commissioners on the part of the State of New-York, were read; and,

On motion of Mr. [Stephen R.] Bradley.

Resolved. That this House go into Committee of the whole for the purpose of discussing the above business.

Mr. Olin in the Chair.—Lewis R. Morris, Clerk.

On motion, the act of the Commissioners on the part of New-York, was read.

Same day, 2 P. M.—The House met pursuant to adjournment, and went into a Committee of the whole, &c.

Mr. Bradley rose, and in a sensible and masterly manner, gave the Committee a full statement of the business—when, on motion of Mr. Marvin, Chief Justice Chipman was requested to give his sentiments on the subject.

His Honor the Chief Justice observed, That colonel Bradley had anticipated everything he could say, and therefore declined trespassing on the patience of the Committee.

Mr. [Judge Elijah] Paine proposed to the Committee the following resolution, which was agreed to by the Committee: Resolved, That it be recommended to the General Assembly to pass an Act, declaring that the State of Vermont will pay to the State of New-York thirty thousand dollars by the first day of June, Anno Domini 1794, agreeable to an act of the Commissioners on the part of the State of New-York.

On the 25th, the House considered the resolution. Elijah Paine required the yeas and nays, when the resolution was adopted—yeas 92, nays 12—and Israel Morey, Elijah Paine, and Israel Smith were appointed a committee to bring in a bill. The following act was the result:²

¹ Ms. *Vermont State Papers*, Vol. XXIV, p. 33.

² Printed *Assembly Journal*, 1790, pp. 30, 31, 34, 39, 40, 45, 52.

AN ACT directing the payment of thirty thousand dollars to the State of New-York, and declaring what shall be the boundary line between the State of Vermont and State of New-York; and declaring certain grants therein mentioned, extinguished.

Whereas Robert Yates, John Lansing, Jun^r, Gulian Verplank, Simeon DeWitt, Egbert Benson and Melancton Smith Esquires, Commissioners appointed by an act of the Legislature of the State of New-York, entitled "An act appointing commissioners with power to declare the consent of the legislature of the State of New-York, that a certain territory within the jurisdiction thereof, should be formed into a new State," passed the sixth day of March, A. D. 1790—did, by their certain act, on the seventh day of October instant, at New-York, by virtue of the powers to them granted for the purpose, among other things, declare the consent of the legislature of the State of New-York, that the State of Vermont be admitted into the union of the United States of America, and that immediately from such admission, all claim of jurisdiction of the State of New York, within the State of Vermont, should cease, and, thenceforth, the perpetual boundary line between the State of New York and the State of Vermont should be as follows viz: Beginning at the northwest corner of the State of Massachusetts, thence westward along the south boundary of Pownal, to the southwest corner thereof, thence northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells and Poultney, as the said townships are now held or possessed, to the river commonly called Poultney River, thence down the same through the middle of the deepest channel thereof, to East Bay, thence through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicate with Lake Champlain, thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four-Brothers, and the westward of the islands called the Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle la Mott, to the forty-fifth degree of north latitude; and the said commissioners, by virtue of the powers to them granted, did declare the will of the legislature of the State of New York, that, if the legislature of the State of Vermont should, on or before the first day of January, 1792, declare that, on or before the first day of June 1794, the said State of Vermont would pay to the State of New-York the sum of thirty thousand dollars, that, immediately from such declaration by the legislature of the State of Vermont, all rights and titles to lands within the State of Vermont, under grants from the government of the late colony of New York or from the State of New York (except as is therein excepted) should cease; wherefore,

It is hereby enacted and declared by the General Assembly of the State of Vermont, that the State of Vermont shall, on or before the first day of June 1794, pay the State of New York thirty thousand dollars.¹ And

¹ The sum of \$30,000 probably paid from one-fourth to one-third the sum paid for the lands granted by New York. James Duane purchased about 64,000 acres for upwards of \$8,000, and his heirs received \$2621,29 of the \$30,000 paid by Vermont. "The bargain was made by our [New York] politicians to obtain a new state to overbalance Southern influence, and in this paramount object with them compensation to the comparatively few landholders among her citizens was almost entirely overlooked."—*Memoir of James Duane, by Samuel W. Jones, in Doc. Hist. of New York*, VOL. IV, p. 1068.

the Treasurer of this State, for and in behalf of this State, and for the purposes mentioned in the act of the commissioners aforesaid, shall pay to the State of New York the sum of thirty thousand dollars on or before the first day of June, 1794—And

It is hereby further Enacted, that the said line described in the said act of the said Commissioners shall, henceforth, be the perpetual boundary line between the State of Vermont and the State of New York: and all grants, charters or patents of land, lying within the State of Vermont, made by or under the government of the late colony of New York, except such grants, charters or patents as were made in confirmation of grants, charters or patents made by, or under, the government of the late province or colony of Newhampshire, are hereby declared null and void, and incapable of being given in evidence in any court of law within this State.—[Passed Oct. 28, 1790.]¹

¹ Ms. *Laws of Vermont*, Vol. 2, pp. 339, 340.

APPENDIX I.

THE VERMONT CONVENTION OF 1791.

ADOPTION OF THE CONSTITUTION OF THE UNITED STATES BY VERMONT.

IN GRAND COMMITTEE, Oct. 22 1790.—On motion of Mr. [Stephen R.] Bradley, Resolved, That this Committee do recommend to the Legislature of this State to pass an Act to call a Convention of the people, to take into consideration the Constitution of the United States, and see whether they will accede to the same.

Oct. 23, Stephen R. Bradley, Samuel Hitchcock, and Lemuel Chipman were appointed by the Assembly to draft a bill to call a Convention; and on the 25th the bill was passed as follows:

AN ACT to authorize the people of this State to meet in convention to deliberate upon and agree to the constitution of the United States.—
[Passed Oct. 27 1790.]¹

Whereas, in the opinion of this legislature the future interest and welfare of this State render it necessary that the constitution of the United States of America as agreed to by the convention at Philadelphia on the seventeenth day of September in the year of our Lord 1787 with the several amendments and alterations as the same has been since established by the United States should be laid before the people of this State for their approbation,

It is hereby Enacted by the General Assembly of the State of Vermont that the first constable in each town shall warn the inhabitants who by law are entitled to vote for representatives in General Assembly in the same manner as they warn freemans meeting, to meet in their respective towns on the first Tuesday of December next at 10 o Clock forenoon at the several places fixed by law for holding the annual elections and when so met they shall proceed in the same manner as in the election of representative to choose some suitable person from each town to serve as a delegate in a State convention for the purpose of deliberating upon and agreeing to the constitution of the United States as now established, and the said constable shall certify to the State convention the person so chosen in manner aforesaid—And,

It is hereby further Enacted by the Authority aforesaid that the persons so elected to serve in state convention as aforesaid do assembly [as-

¹ Ms. *Laws of Vermont*, Vol. 3, pp. 330, 331.

semble] and meet together on the first Thursday in January next at Bennington in the county of Bennington then and there to deliberate upon the aforesaid constitution of the United States and if approved of by them finally to assent to and ratify the same in behalf and on the part of the people of this State and make report thereof to the Governor of this State for the time being to be by him communicated to the president of the United States and the legislature of this state.

The Convention met accordingly at Bennington on Thursday the 6th of January 1791. It is remarkable that the *official* record of this Convention has not been preserved; indeed nothing *official* concerning it, except its act adopting the constitution, subscribed by one hundred and five out of the one hundred and nine members of the convention, and a resolution as to the mode of communicating copies of this act to the Governor, for the use of the General Assembly and the President of the United States. Fortunately, however, a full report, including the debates, was printed in the *Vermont Gazette*, and is here reprinted. The following, printed shortly before the election of the delegates to the Convention, indicate the sentiments then prevailing in the State, and also among the friends of Vermont in New York.

BENNINGTON, Nov. 8 1790.¹

Extract of a letter from Newyork, dated October 30.

* * * * * "You cannot but be sensible that candour has graced the conduct of this state in its late negociation with you : I am glad to find your legislature have ratified our conditions. The sum of £9000 is but a trifle, if it terminates contention, and establishes amity between neighboring states. Many among us (especially members of the law) argued, that *ten cents* per acre would not have amounted to half the sum: but when we reflect what a scene of contention it might have opened, and how expensive determinations at law would have been, the ruin of numbers seems to have been contained in the latter, while scarce the idea of difficulty is involved in the former. Those who are of an antifederal turn both among you and us, will start objections to your accession to the union : among other matters, the payment of a quota of the public debt may be held up as a bugbear : but when any man of common capacity, reflects on the exertions made and making to discharge these demands; when he takes into view the growing state of our commerce, and consequent encrease of the public revenue by impost and excise, the result of the reflection must be, that direct taxation can never arise from present debts, and through the means of indirect taxation you already pay your full proportion towards supporting the federal government.—I affirmed that you paid your full proportion—you indirectly pay much more while deprived of the benefit of representation. The prevalent wish here, is perpetual union between Newyork and Vermont, and a just proportion of northern influence in Congress. Perhaps it may not be amiss to remark, that the tranquility of the union is an evidence of the goodness of the federal constitution. How soon after its adoption does the animosities of the most antifederal states subside to peace. May providence conduct you to the union, and happiness be the result.

¹*Vermont Gazette*, of Nov. 8 1790.

BENNINGTON, Nov. 15 1790.—(Editorial.)

By the reports from different quarters it appears, that the people of this state are generally pleased with the determination of the legislature, relative to the York claims.—The only quere is, in what manner it will be paid, and the general surmise, that as land is the occasion of the cost, land should bear the burthen. If general report can be credited, anti-federalism scarce can be found in Vermont.¹

PROCEEDINGS AND DEBATES OF THE CONVENTION FOR ADOPTING
THE CONSTITUTION OF THE UNITED STATES.²

BENNINGTON, January 10 1791.

*A list of members of the convention, for adopting the constitution of the united states.*³

THOMAS CHITTENDEN, president.

MOSES ROBINSON, vice president.

ROSWELL HOPKINS, secretary.

Bennington county.

Bennington, Moses Robinson. Sunderland, Tim Brownson. Shaftsbury, Gideon Olin. Pownal, Thomas Jewett. Stamford, Andrew Selden. Arlington, Timo: Todd. Manchester, Martin Powel. Rupert, Israel Smith. Dorset, John Shunway. Sandgate, Reuben Thomas.

Windham county.

Hinsdill, [Vernon,] Jonathan Hunt. Westminster, Stephen R. Bradley. Athens, James Shafter. Londonderry, Edward Aiken. Townsend, Joshua Wood. Guilford, Peter Briggs. Brattleborough, Gardiner Chandler. Newfane, Calvin Knoulton. Whitingham, Isaac Lyman. Putney, Daniel Jewet. Rockingham, Elijah Lovewell. Halifax, Benj. Henry. Dummerston, Jason Duncan. Wilmington, Timothy Custle. Thomlinson, [Grafton,] David Palmer. Marlborough, Jonas Whitney

Rutland county.

Rutland, Nath^l. Chipman. Hubbardston, James Churchill. Orwell, Eben^r. Wilson. Danby, Daniel Shearman. Pittsford, Tho^s. Hammond. Pawlet, Lem. Chipman. Castleton, N. [Noah] Lee. Middletown, Jonathan Brewster. Wells, Samuel Lathrop. Brandon, Nathan Daniels. Sudbury, Joseph Warner. Benson, Asahel Smith. Fairhaven, Simeon Smith. Poultney, W^m. Ward. Shrewsbury, E. [Emmanuel] Case. Tinmouth, John Spafford. Wallingford, Asahel Jackson. Chittenden, Sam^l. Harrison.

Windsor county.

Springfield, Simon Stevens. Chester, Daniel Heald. Hartland, Oliver Gallup. Windsor, Benj. Greene. Hartford, John Marsh. Cavendish, Asaph Fletcher. Bethel, Michael Flynn. Andover, Moses Warner. Weathersfield, Nath^l. Stoughton. Woodstock, Benj^a. Emmons. Sharon,

¹ Vermont Gazette of Nov. 15 1790.

² Vermont Gazette, Jan. 10 to Feb. 14 1791.

³ In this list the editor³ has followed the signatures to the act of the convention.

Daniel Gilbert. Bernard, Silas Tupper. Bridgewater, Benjamin Perkins. Pomfret, Wm. Perry. Royalton, Heman Durkee. Norwich, Daniel Buck. Rochester, Enoch Emmerson.

Addison county.

Addison, John Strong. Ferrisburgh, Abel Thompson. Panton, Benja. Holcomb. Middlebury, Samuel Miller. Monkton, John Forgason. Bridport, John N. Bennet. Newhaven, Oliver Pier. Vergennes, Alex. Brush. Salisbury, Eleazer Claghorn. Leicester, John Smith. Shoreham, Josiah Pond. Cornwall, Wm. Slade. Whiting, Saml. Beach.

Orange county.

Fairlee, Nathl. Niles. St. Johnsbury, Jon^a. Arnold. Randolph, Josiah Edson. Maidstone, John Rich. Guildhall, David Hopkinson. Brookfield, Danl. Kingsbury. Williamstown, Cornelius Lynde. Tunbridge, Elias Curtiss. Vershire, Tho^s. Porter. Strafford, Peter Pennock. Bradford, John Barron. Corinth, Peter Sloeman. Barnet, Alex^r. Harvey. Peacham, Wm. Chamberlain. Danville, Abraham Morrill. Newbury, Daniel Farrand. Thetford, Beriah Loomis. Lunenburgh, Saml. Gatt [Gates.]

Chittenden county.

Williston, Thomas Chittenden. Cambridge, John Fasset. Colchester, Ira Allen. Georgia, John White. Milton, Abel Waters. Charlotte, John M'Neile. Essex, Timothy Bliss. Shelburne, W. C. Harrington. New-huntington, Amos Brownson. Johnson, Jon^a. M'Connel. St. Albans, Silas Hathaway. Hinesburgh, Elisha Barber. Fairfax, Joseph Beeman. Jericho, Martin Chittenden. Southhero, Eben^r. Allen. Northhero, Enos Wood. Burlington, Saml. Hitchcock.

ROSWELL HOPKINS, secretary.

IN CONVENTION,

THURSDAY, January 6, 11 o'clock A. M.

A QUORUM being present the house proceeded to business.

THOMAS CHITTENDEN, was elected president.

MOSES ROBINSON, vicepresident.

ROSWELL HOPKINS, secretary.

Adjourned to three o'clock, p. m.

3 O'clock p. m. The house met pursuant to adjournment.

The secretary, by order, read the several acts of this state and Newyork, which particularly respected their business; together with the constitution of the united states: agreed on modes of proceedure, and then adjourned to Friday morning, nine o'clock,

Friday morning, [Jan. 7.] On motion of mr. Niles the constitution was again read. Mr. Niles then moved, that the house now take up the constitution paragraph by paragraph.

Mr. Green arose. He wished to know in what manner convention meant to proceed in their discussions. He observed that Vermont stood in a situation in some respects dissimilar to any state that had yet joined the union. The several confederate states, he observed, had discussed the constitution by paragraphs as the gentleman who spoke last had recommended to this house: but whether it would be best for us to proceed in that manner, may perhaps be doubted by some: probably it might be deemed best to bring up the general question, whether it would be expedient or inexpedient for Vermont to enter the federal union.

Mr. N. Chipman then rose, and addressed the house, as follows;

MR. PRESIDENT,

THE subject, on which we are now called to deliberate, is a subject of great importance, and involves in it many and mighty consequences. I shall wave at present any consideration of the particular circumstances in which we may be supposed to stand with the united states, on account of the former claim of Newyork, and the late compromise between Vermont and that state—and shall first make a few observations on our local and relative situation as a state and the consequences that will attend the event, either of our continuing independent, or of our accession to the union. I will then briefly observe on the principles and tendency of the federal constitution.

In viewing our situation, the first thing that strikes the mind, is the narrow limits of our territory: wholly inadequate to support the dignity, or to defend the rights of sovereignty—nor can we but reflect on the fortune that usually pursues such limited independencies.

The division of an extensive territory into small independent sovereignties greatly retards civil improvements—this was formerly the case in Europe; and the consequence was a long continuance in savage, and almost brutal manners. But it has been observed, that where, through an extensive country, the smaller states have united under one general government, civilization has proceeded more rapidly, and the kindly affections have much sooner gained an ascendancy than where they still remained under numerous neighboring governments. The reason why one state is more favorable to civil improvement than the other is founded in the constitution of human nature: among small independent states, as among independent individuals, without a common judge, the weak are jealous of the strong—and endeavor by art and cunning to supply their want of power. The strong are ever ready to decide every question by force, according to their own present interest—hence follows a total want of public faith—recriminations—animosities—and open violence—under the idea of reprisals—and the name of foreigner becomes but another name for an enemy. In this situation the minds of men are kept in a constant state of irritation—their turbulent spirits ill brook the restraints of law—the passion of revenge, which, in proportion to the weakness of government becomes necessary for the protection of the individual, is soon inflamed to a degree of enthusiasm. Common danger alone, and that imminently impending, can suspend its baneful influence even among members of the same society: a situation fit only for savages—and in this situation savages have ever existed; but in an extensive government, national prejudices are suppressed—hostilities are removed to a distance—private injuries are redressed by a common judge—the passion of revenge, now no longer necessary for the protection of the individual, is suspended—the people no longer behold an enemy in the inhabitants of each neighboring district—they view all as members of one great family, connected by all the ties of interest, of country, of affinity and blood; thus are the social feelings gratified—and the kindly affections expanded and invigorated.

Vermont, continuing independent, would not be liable to all the inconveniencies I have mentioned—but she will be liable to many and great inconveniencies. In the vicinity of, and almost encircled by, the united states, now become great and powerful through the means of an energetic system of government, our intercourse with them must be on very unequal, and frequently on very mortifying terms. Whenever our interests clash (and clash they will at some time) with those of the union, it requires very little political sagacity to foretel that every sacrifice

must be made on our part. When was it ever known that a powerful nation sacrificed, or even compromised their interest in justice to a weak neighbor, who was unable to make effectual demands? and who shall be a common judge?

Nay, such is the constitution of human nature, that men in such cases, were they disposed, are in a great measure incapable of judging with candor and impartiality.

We have experienced the disposition of states whose interests were averse to our own; and well know the consequences: extravagant, and as we deemed them, unjustifiable claims, on their part; animosities, factions, and even blood shed, among ourselves.

Our vicinity to an extensive province of the british empire, is worthy of consideration. There is not any prospect of an immediate war between the united states and Great-britain; but from their mutual recriminations relative to the observance of the late treaty; and from the retention of the frontier posts in the hands of the british, contrary to express stipulation; such an event is one day to be apprehended. Should that take place, Vermont would be in a situation much to be regreted.

Our local situation with the united states, and our connection with many of their inhabitants—cemented by all the ties of blood and kindred affection, would forbid an alliance with Great-britain. As allies of the united states, we should experience all the resentment of an enemy, whom, by our voluntary alliance, we had made such, and to whose depredations, from our frontier situation, we should be continually exposed. And should we experience in the united states that quick sense of the injuries we should suffer? would they fly to our defence with the same alacrity, with the same national spirit, as they would defend themselves, if attacked in one of their own members? would they attend equally to our interest as to their own, in the settlement of peace, or in finally adjusting the expenditures of the war? The supposition is highly chimerical: nor less chimerical the idea, that by observing a neutral conduct, we may enjoy the blessing of peace, while the flames of war rage on every side. Our country, from its situation, would become a rendezvous, and a thoroughfare to the spies of both nations. Our citizens would frequently be tempted by both to engage in a nefarious correspondence of that kind: every act of friendship, or even of common courtesy, to one party, would excite the jealousy of the other. Their armies, to whom we should not be in a condition to refuse a passage, would think themselves justified, on the very least pretext of necessity, in seizing our property for the use of their service. Thus we should be equally misused, equally despised, and equally insulted and plundered by both.

Again, we may view this subject as it relates to the improvement of knowledge, and liberal science. Confined to the narrow limits of Vermont, genius, for want of great occasions, and great objects, will languish in obscurity: the spirit of learning, from which nations have derived more solid glory than all heroic achievements, and individuals, beyond the common lot of humanity, have been able to contribute to the happiness of millions, in different parts of the globe—will be contracted; and busy itself in small scenes, commensurate to the exigencies of the state, and the narrow limits of our government. In proportion as the views are more confined—more local; the more firmly riveted on the mind are the shackles of local and systematic prejudices—But received into the bosom of the union, we at once become brethren and fellow-citizens with more than three millions of people: instead of being confined to the narrow limits of Vermont, we become members of an extensive empire: here is a scene opened that will expand the social feelings;—

the necessity and facility of mutual intercourse, will eradicate local prejudices;—the channels of information will be opened wide, and far extended;—the spirit of learning will be called forth by every motive of interest and laudable ambition;—genius, exalted by the magnitude of the objects presented, will soar to the heights of science;—our general interests will be the same with those of the union—and represented in the national councils, our local interests will have their due weight. As an inland country, from the encouragement given to arts and manufactures, we shall receive more than a proportional advantage. And in the event of a war, an attack upon us will be felt through every member of the union: national safety—national pride, and national resentment—a resentment, not the petulance of a tribe, but great as the nation offended, will all conspire in our defence—in a word, independent, we must ever remain little, and I might almost say, contemptible;—but united, we become great, from the reflected greatness of the empire with which we unite.

These observations relate to the expediency of our joining the union in our present situation, and to the removal of such objections as may arise to the measure, antecedent to a discussion of the constitution under consideration. I shall not now enter into a minute investigation of this constitution; but shall briefly observe upon some of its leading features—the principal end in view in its formation—and how far it is calculated to attain that end. The principal end in view, and which has heretofore been the grand desideratum in federal politics, is to bring all the members of the union to act in concert in those measures which concern the general interest of the confederacy. This in federal governments has been attempted principally in three modes.

The first mode is by a council empowered to legislate on the states composing the union. Such was the council of the amphictyons at the head of the confederated states of ancient Greece. In this case, as the council can legislate only upon states, a delinquent cannot be less than a whole state, already possessed of arms and councils for a formidable opposition. To enforce the decrees of the council, which we may call the laws of the union, it frequently becomes necessary to call out the troops of the complying states, and to compel obedience by dint of arms: this is to plunge the nation into all the horrors of a civil war. The history of ancient Greece, for many years, is infamous for a succession of such wars. Such was the famous peloponesian war, which raged with almost unabated fury near thirty years. This ever has been and ever will be the effect of this kind of government, unless with the late congress of the united states they should suffer their laws and ordinances to be violated with impunity—and the consequence will be the same: the government will soon arrive at the lowest point of degradation, and tremble on the brink of evanescence.

The second mode is by a council empowered only to propose measures to the confederate states—but subject to the ratification of the states severally, before they have the force of laws.—The united Netherlands give an instance of this second form: the states general are the grand council of the confederacy; this council, though pompously stiled **THEIR HIGH MIGHTINESSES**, have, in matters of national concern, a power only to propose. The several states have reserved to themselves the right of ratification—and no law can be constitutionally binding until it has received the ratification of each individual state—the veto of a single state in some instances little superior in point of territory to the town of Bennington, may disconcert, and in fact has disconcerted, the wisest measures. Frequently, on great emergencies, such is the delay before all the states can be brought to act in concert, that the

opportunity of acting is forever lost. This has induced the states general, aided by the stadtholder, (hereditary prince of Orange) who administers the republic, and whose power and influence are very considerable, sometimes to act without, and even contrary to, the authority of the smaller states. Such a disregard of the constitutional principles of their union, however justifiable from impending necessity, has even among that plodding phlegmatic people, produced violent convulsions—and some within our memory.

The third form is by a council, or federal legislature, with power in all instances that concern the confederacy at large, upon the citizens of the several states—and to carry their laws into execution by officers of their own appointment. Of this third form we have an instance in the present constitution of the united states of America. In this case the national legislature, in all matters that concern the general interest, empowered and limited by the constitution, legislate, not upon the states, collectively, but upon the citizens of the union: no ratification is necessary, but their own acts. The constitution, and all authoritative acts, under that constitution, are the supreme law of the land.

To prevent different constitutions that might arise from different opinions, in independent tribunals, under the bias of local interest, influence or prejudice, the judiciary, for all causes arising under the constitution and laws of the union, hold their office by the appointment of the supreme power of the confederacy; and are amenable only to that power:—and their decisions are carried into effect by ministerial officers, appointed by the same authority. But while the national legislature are vested with supreme power, in all matters that relate to the welfare of the union, the states legislatures, within their several jurisdictions, retain as sovereign, all those powers:—the due administration of which, most endears government to mankind. To them it belongs among their own citizens, to regulate the mode of acquiring, and to secure the acquisitions of property—to redress injuries—to animadvert upon morals—and to restrain and punish those crimes that attack private property—violate personal security, and disturb the peace of society.

The senators of the united states appointed by the several states legislatures, and to whom they are, from time to time, amenable, may justly be considered as the guardians of the rights of those respective states against all encroachments of the national government. The representatives in congress, elected by the people, and dependent on them by the means of biennial elections, are bound by all the ties of interest and affection, to watch over the rights of the people, their electors, and the rights of the states with which their electors are more immediately connected.

The power of appointing electors for the choice of president and vice-president, gives the state legislatures a sufficient security on the executive of the federal government. It is true, this form of federal government is almost a new phenomenon in the political world—hardly a shadow of such federal powers, as they relate to the subjects of legislation, and the mode of execution, is to be found in the history of ancient or modern politics. But in this age of improvement, no less in the science of government than in other sciences, its novelty would not be made a serious objection: yet it is acknowledged, that however beautiful as delineated on paper, or in political theory, its efficiency in point of practice might still be considered as problematical—had we not seen it evinced by actual experiment. The idea only of the efficiency of that government, at the instant of its organization, added strength to the states governments, and put an end to those turbulent commotions, which made some of them tremble for our political existence. Nor has this state reaped an inconsiderable advantage from the suppression of that

contagious spirit in the neighboring governments: two years have not yet elapsed since the commencement of that administration. They have made provision for funding the debts of the union—they have, in a great measure, restored public credit; which from the weakness of the former government, they found almost in a state of desperation—they have availed the nation of a very productive revenue—they have made many laws and regulations, the wisdom, justice, and equality of which, are fully evinced by a prompt and almost universal observance: in very few instances have their courts been called to animadvert on a breach of their laws. But this, it may be said, arises from a confidence of the people in the members of that government: this undoubtedly has its influence, but a people free, jealous and discerning, as the Americans are, do not suffer measures to pass unexamined: they will not give to any man or set of men an unmerited confidence.—It is probable the national council will long retain and that deservedly, the confidence of the people. The people when called to chuse rulers and legislators for an extensive empire, experience a dilation of mind; they rise above vulgar and local prejudices, and confer their suffrages only on men, whose integrity and abilities are equal to the task of empire.

One important consideration ought not to be omitted -- the federal constitution is still subject to amendments—whatever shall in practice be found dangerous or impracticable, redundant or deficient, may be retrenched and corrected: that wisdom which formed it, aided and matured by experience, may carry it to a far greater degree of perfection than any thing which has been known in government.

Thus sir, I have briefly hinted the disadvantages that will accrue to us, continuing independent; upon a supposition of its practicability. I have observed some of the happy effects of an accession to the union. I have pointed out the leading principles of the constitution, and its probable and actual efficiency in strengthening the government of the several states, and in securing the tranquility, happiness and prosperity of the union. The more minute investigations I leave at present; fully persuaded at the same time, that when accurately examined with that candor and impartiality which will doubtless mark the deliberations of this convention, every material objection, either to the constitution, or to the accession of Vermont to the union, will be easily obviated or totally disappear.

Mr. White rose to renew the motion of Mr. Niles to take up the constitution paragraph by paragraph. He was seconded by Mr. Farrand. The house adjourned until afternoon without coming to any decision.

FRIDAY, *January 13* [7.]¹ Three o'clock p. m.

Mr. Farrand again advanced the motion of discussing the constitution by paragraphs.

Mr. Emmons rose, and observed, that the matters under consideration were so weighty he wished them not to be hurried—he expressed a fear that the people would suffer in their landed property—he said he was for himself doubtful, and believed others were so too, whether, in case land trials should be brought before the federal court, the least attention would be paid to the late treaty with Newyork—doubts, he observed, prevail, whether that state had in reality a right to cede to Vermont the property of individuals.

¹ This date in the *Gazette* was a blunder of the printer, which was followed in each succeeding date. The Convention met on the 6th and dissolved on the 10th of Jan. 1791.

Mr. Bradley, Mr. I. Smith, and others, answered Mr. Emmons—they went into a lengthy and well arranged train of arguments on the right of Newyork to proceed in the manner they had done. Mr. Bradley eloquently defined the right of sovereignty in the several states—adverting, in his speech, to the conduct of various sovereignties, both ancient and modern.

Mr. Buck rose, and objected to the motion. He said it appeared to him, that if the constitution was taken up paragraph by paragraph, it would in effect foreclose any general observations upon the question which was first to be attended to—that if those who had any objections to make kept to the question before the convention, they would be confined to those which arose from the constitution itself, and could not, without departing from the point, offer any general observations upon the expediency or in expediency of taking it up at all, supposing it to be ever so good—which appeared to him a question that ought first to be attended to.

Here several members observed, that the motion was calculated to bring on those debates—and that the door was now open for them. They expressed their wishes, that the subject might be treated with the utmost candour, and clearly investigated—that if there were any who had any general objections they would come forward. Mr. Buck rose again, and in a lengthy speech observed, that it appeared to him there were reasons to be offered against the adoption of the constitution at the present time. Supposing the constitution to be ever so good an one, yet, in order to a fair investigation of the question, as to the expediency of adopting it, perhaps it would be necessary to consider the original cause of all government: he urged that it originated from necessity: that, were it possible for a man to enjoy the blessings of society, security of his person, liberty, and property, without the protection of government, he must be happier in that state than to be under the controul of it: that, in entering into compact and forming government, each individual of the community must necessarily sacrifice such a part of his natural liberty, his interest, and privileges, as to coincide with the common interest of the whole; yet this sacrifice must be in some measure proportionate to the diversity of interest to be found in the several parts of the community—that the sacrifice of the individuals of a small community must be less than those of a large one, where the interest must be supposed more diverse. He observed, that Vermont, by her local situation, had an uniformity of interest; that there was no mercantile and landed interest found clashing here, and that of the lord and the tenant was not known; the laws, therefore, were simple and suited to the whole; the affairs of government were managed, as it were, under the eye of the people, and the machine was so small that every one could look and see how the wheels moved, and for this reason it was observable, that the people were all politicians. But if Vermont came into the union, the sacrifice she made must be great—her interest must then bend to the interest of the union—where those clashing interests before mentioned were to be found. He said, the blessings resulting to Vermont from her union with an extensive empire, enumerated by the honorable member from Rutland, though very plausible, would not apply to the bulk of the people: some few favorites of fortune, who from circumstances of birth, and advantage of education, might consider themselves fair candidates for some post in government, might be animated by the magnitude of the object, and soar to the height of science; but this number must be but small, while on the other hand, the affairs of government being at such a remove from the eye of the people they could have no knowledge of their transactions, and would naturally degenerate into a state of

ignorance. He observed, that all extensive governments had a natural tendency to destroy that equality among the people, which was necessary to keep one part of mankind from oppressing the other; that there was such a thirst for dominion and power implanted in the human breast, that men were ever ready to make use of the advantages they had to tyrannize over others: that as the stimulus to improvement in knowledge, resulting from our union, would operate on a few only, it would serve but to place them as tyrants over an ignorant multitude.—For the truth of these observations, he referred to the present state of the kingdoms of the world, and observed, that the rich, wise, powerful, and great, bear a tyrannical sway, while they view the bulk of mankind in the same light as we do those domestic animals that are subservient to our use; and as to the salutary effects that our union would have on the morals of the people, we should in all probability experience quite the reverse of what was suggested by the worthy member from Rutland—for it was observable, that luxury, debauchery, and licentiousness, were the attendants on power. The court, he said, was the foundation from whence immorality was diffused among a nation: this was so true, that it had become a common saying, that sincerity and honesty were strangers at court; while real virtue and simple honesty were to be found in the cottage. It must therefore be a given point, that Vermont (taking into view the bulk of the people) must be much happier unconnected with any other power, than to be in the union—and nothing but necessity could warrant her accession to the federal constitution; therefore, if it was possible for her to support her independence, it was her wisdom to remain independent. He said there were but two things that could ever render it impossible, or prevent it. He agreed, that in case of war between Great Britain and America, it would be impossible. But he urged, that there was no prospect or probability of a war again taking place between those powers; he likewise acknowledged that the local situation of Vermont was such, that it was in the power of congress so to embarrass and hedge her up, as to render it impossible for her to exist; but it was easy to determine whether congress would ever exert this power by considering the state Vermont stood in, with respect to the united states; and what probably would be the motives by which congress would be influenced in her conduct—he said it would be that of her interest. He said it was a just observation, that individuals were generally influenced by their interest; but when applied to political bodies the rule was without an exception; we might therefore fix upon it for certain, that the view which congress had of their interest, would be the helm by which they would invariably steer the federal ship; it remained therefore only to shew, that it could not be for the interest of congress ever to lay any embarrassments on us—and this, when we considered our situation in respect to the union, was very apparent, for, upon the present plan of taxation, which in all probability would not be altered as long as peace remains, we paid, and ever should pay, every whit as much towards the support of the federal government, as though we were in the union, it could therefore, never, unless upon the prospect of an immediate war, be for the interest of congress to take measures to compel us in.—But on the contrary, the moment we were received into the union, our senators, representatives, district judge, &c. must make an additional expense to the federal government—besides, if congress set us upon the same footing with other states, she must assume our expenses of the war; congress must therefore, instead of gaining by our union, be the losers. He observed, that congress had never noticed us, or taken one step that indicated a wish for our union—that all that had been done was in consequence of the movements of Newyork, who had, until congress sat in

that state, stood our avowed enemy; and that it was easy to see the motive which caused Newyork so suddenly to change her policy. He said, Newyork viewed the seat of the federal government as an object of greater importance than their claim to Vermont, they had therefore sacrificed that, and were now exerting themselves, to the utmost, to bring Vermont into union; that thereby they might add another weight to the northern scale. But by the doings of congress, we found that there were a majority in that body who were pursuing an object which clashed with the view of Newyork, and that the same voices which decided that the seat of government should be carried to the Potomac, would, in all probability, decide, that Vermont should not be received until the permanent seat of federal government should be unalterably fixed. Therefore, as the advantage Vermont would receive from the union, would by no means be adequate to the sacrifice she must make—as she had long existed as an independent state, and might long continue so—and as in all probability she would be rejected by congress, if she made application, there could be no necessity or expediency in acceding to the union, or adopting the constitution.

Mr. Bradley answered Mr. Buck—and went into a full consideration of the reasons offered by the worthy member against the adoption of the constitution at the present time—he observed that most of the arguments would equally apply against our ever adopting the constitution, and many of them against the government in general—he clearly pointed out the state and situation in which Vermont stood, totally incapable of supporting the rights of sovereignty, or protecting her own citizens from invasions—that the evil would be equally ruinous in its consequences if the united states should withdraw their claim of sovereignty, and consider Vermont a sovereign state, as it would should they attempt to annihilate the jurisdiction, and enforce obedience to the laws of the union—he said, every principle of national policy obliged congress to consider Vermont as a sovereign state, or as belonging to the union—if as a sovereign state, they will treat her as such, and withdraw from her all protection—if as belonging to the united states, and for whose conduct they must be responsible to the nations of the world, they will undoubtedly exercise their jurisdiction over her; and in case Vermont refuses to adopt the constitution and become a member of the union, they will either compel her to come in by force, or dismember her among the united states—that in fine the important decision of this convention will determine congress the part they have to act—he said the worthy member from Norwich had stated two instances, in which it would be impossible for Vermont to maintain her independence; one was, in case of war between Great Britain and America; the other, when congress should treat her as a sovereign state—or in other words, embarrass and hedge her up—he appealed to the judgment of every member, whether the true interest of the state did not require, in their present situation, an immediate union with her sister states, that they might grow up together in friendship under the same government—rather than wait the uncertainty of those events, which may oblige this government in a servile manner to seek protection from those, who will then have it in their power to grant it on such terms as they please—he reprobated, in the most severe terms, every idea that had been thrown out against congress, or the state of Newyork; and said the sacrifice that had been made by the state of Newyork, and several of the united states, might teach that gentleman a lesson, that governments were capable of acting from noble, extensive and disinterested views—he considered the objections raised

against being received into the union by congress as having no weight—and said the acquisition of one hundred thousand free persons to their government, and extending empire over the whole, was an object not to be compared with the trifling expense that might accrue by that addition—he considered the many advantages that would be derived from the union—that Vermont would enjoy a full participation of the benefits of every seaport in the united states, a recognition of her sovereignty, protection from foreign invasion, security against intestine convulsions, and the many blessings ensured by a mild and energetic government—he declared he could not think the worthy member serious when he talked of the sacrifice that Vermont must make—and entered minutely into the power given congress by the constitution—and clearly showed that the rights surrendered were of such a nature, though claimed by this state as an independent sovereignty, that they had in but very few instances ever been exercised—he went through the several paragraphs in the constitution—defined the power of congress—and pointed out in every particular the nature and extent of that power, and the necessity of its being lodged in some general head for the protection of the whole—and concluded with some just remarks upon the excellency of the constitution: that while it gave congress the power necessary to secure and protect the sovereignty of the whole, it ensured to each state the sovereignty necessary to secure and protect the rights of persons and property.

Mr. Bradley was ably supported by mr. Hitchcock, mr. I. Smith, and several others.

Adjourned until to-morrow.

SATURDAY, January 14 [8.] Nine o'clock a. m.

The question with respect to the expediency of an immediate adoption of the constitution still under consideration:

Mr. Buck rose and said, that having the evening before more closely attended to the constitution in question, than his leisure had before permitted, he had obtained conviction that the danger of losing the sovereignty of the separate states, by entering the union, was not so great as he had imagined; the cession of power to congress was not so great as he had conceived it to be, and the rights of the state sovereignties more guarded. He however still retained the sentiment that it was not advisable for Vermont precipitately to seek for union. Congress has yet never solicited Vermont to adopt the constitution, or even made the most distant overtures to her on the subject: to rush forward therefore, uninvited, and before real property was permanently secured, appeared to him not only unnecessary but improper.

Mr. I. Smith in a concise and masterly manner obviated the seeming difficulties mentioned by mr. Buck and others, and declared himself much in favor of the motion.

Mr. Loomis rose and observed, that he approved of the federal constitution: he thought it well calculated to serve the interest of those states by whom it had been adopted, and had no doubt in his mind but what it would be best for Vermont to adopt it at a proper time; but there were certain matters necessary to be attended to, at least in his view, previous to that step being taken, viz. Congress ought previously to ratify the late treaty with Newyork, and the debt of this state incurred by exertions in the common cause, during the late war, ought to be assumed by the union. The act of Vermont for specifically fulfilling contracts, required, in his opinion, careful attention: for should the constitution now be adopted, it would operate as a repeal of this act, and of course work an injury to the subject:—he believed it to be an indisputable fact, that con-

tracts now existing for grain, cattle, &c. were made twenty-five or perhaps thirty per cent higher on account of said act; the consequence of an immediate adoption therefore, would be an augmentation of the demand of the creditor of near thirty per cent, and a great injury to the debtor.

Mr. Green observed, That the gentlemen who had spoken before him, had so clearly elucidated the subject, particularly in his view, on that side of the question he meant to espouse, that he could scarcely indulge the hope of giving additional light on the topic. It appeared to him that the question was now reduced to this, whether Vermont would become a member of the union, or remain an independent sovereignty. If an independent sovereignty, congress would doubtless treat us as other aliens; and the immediate consequence would be destruction to the energy of our government; it would become the interest of the union to foment discord among us; it must totally destroy social intercourse between us and them, and irradicate the idea of credit. For what man, says he, would venture his property with his neighbor, to any considerable amount, when the debtor, by only crossing a river or lake, may place himself in a sovereign state, free from the power of his creditor.

But were these difficulties removed, the very idea is inadmissible, that congress will consent to have an independent sovereignty within their lines of jurisdiction. Were the united states still under the old confederation, possessed only of a power to advise and recommend, we might perhaps with advantage remain free and independent. But the government is now efficient; and surrounded as we are on three sides by its members, were they to prohibit our traffic with them, what would become of Vermont? where should we carry our produce? perhaps some may say to Canada, but Canada it is well known is a poor market, and soon overstocked. And indeed from the part of the state he represented, it would never answer, even were the markets tolerably good, to export many articles to Canada; he instanced pot and pearl ashes, &c., the consequence of which, said he, need not be pointed out to the enlightened understanding of this house. Congress can compel us to join the union, on their own terms, without having recourse to arms: Let them only prohibit exportation to or importation from Vermont, and we must sink or comply. This must be the case, continued he, or their revenues will be defrauded by reason of illicit traffic, which could easily be carried on with Canada, through Vermont. From every view of the subject therefore, as no gentleman had objected to the constitution itself, but only to the expediency of present adoption, he was clearly of opinion that by entering the union at present, our state government would acquire energy at home and respectability abroad.

Adjourned till two o'clock p. m.

SATURDAY, January 15 [8.] Two o'clock p. m.

The convention met according to adjournment, and the clerk pursuant to order, read the constitution, making a short pause between the paragraphs, to give suitable opportunity for objections. The constitution having been read, together with the articles of amendment annexed,

Mr. Farrand rose and wished for information, whether the articles of amendment annexed to the constitution, and just read by the clerk, had received the sanction of congress, so far as to become a part of it? if not, he queried, whether there would not be an impropriety in Vermont's adopting the whole.

Dr. Green replied, that the adoption of the constitution, with the amendments, could not be deemed improper, as a precedent of that kind already existed, viz. the mode adopted by Rhodeisland.

Mr. Bradley introduced a motion, seconded by Mr. Hitchcock, that convention proceed to choose a committee of five to make a suitable draft of a form of assent to the constitution, and lay it before convention on Monday morning.

Mr. Emmons said, he viewed the matter under consideration, and the determinations of convention, to be of the most serious consequence: he wished therefore to proceed with the utmost deliberation. Our present transaction, says he, may not perhaps be unaptly applied to the act of Adam in eating the forbidden fruit. Were we only acting in town-meeting, or even as legislators, the importance and solemnity of the matter would be vastly less, said he, in my view, since the mistakes of one session may be rectified at another. We are now acting for future generations, and the determinations of this body will most probably affect posterity even to the end of time. He wished therefore, for an adjournment of the convention until some future day, perhaps the beginning of October next. The people are not yet clear in the idea of the propriety of entering the union at present. It is but a short period since they looked on the constitution as a thing in which they were deeply interested. The difficulties which have lain in the way are now removed by the treaty with New York, but people still entertain jealousies respecting the conduct of that state; they do not really perceive the reason of so great a change in their state policy, and feel fearful lest some trap should be found hidden by a fair disguise. I conclude, said he, they would wish for more time, that they might obtain light in this point and gain a more competent knowledge of the constitution. He was the more firmly persuaded of the propriety of this measure from observing what the consequence had been of several states being cautious of entering the union: to this alone he imputed the several existing amendments.

Mr. N. Chipman said, he could not see the propriety of adjourning the convention by any means; he believed the gentleman who spoke last had declared his real sentiment, with respect to people's not wishing to enter the union at present, but he must impute it to his want of general information. In the town Mr. Emmons represents, remote from every channel of intelligence, people may entertain groundless jealousies; but the freemen of Vermont at large, continued he, as far as my acquaintance has extended, are in favor of an immediate adoption. The matter, he observed, was not new, it has been, says he, the topic of conversation for years, and a favorable opportunity carefully and diligently sought for the admission of Vermont into the federal union. By the late negotiation with New York, obstacles are removed, but with this proviso, that Vermont adopt the federal constitution within two years. The people have a general knowledge of the principles of the federal government; this is all they will ever attain to; it is not to be presumed that they will study it as they do their alphabet: communities attain such knowledge by delegation: the delegates are virtually the people themselves. The freemen have doubtless chosen men to form the present convention, in whom they implicitly confide, or with whose sentiments, and the reasons on which they are founded, they have made themselves acquainted. It is a matter of great consequence, said he, to secure to Vermont the advantage of the late treaty with New York, which depends on a speedy adoption of the constitution in question. No reason therefore existing in his mind, for postponing the business, but weighty considerations operating in favor of the measure, he wished Mr. Bradley's motion to be attended to.

Mr. Loomis coincided in sentiment with Mr. Emmons. He could see no reason for doing business in a hurry—America being now perfectly

at peace with all nations, Vermont could not be endangered by taking a few months for consideration.—He wished the people to have opportunity to become better acquainted with the constitution, and obtain satisfaction with respect to the real security of their landed property.

Mr. Bradley rose to enforce the necessity of immediate adoption. He spoke in the most respectful terms of Newyork, and contrasted the trifling relinquishment of claims they had made to Vermont, with the noble sacrifices they made to the union, at the period when they adopted the constitution. At that time, said he, they enjoyed advantages peculiar to themselves,—advantages which enabled them to discharge their public debts with facility, and even to accumulate wealth in their public coffers, by means of their state imposts, &c. But they generously relinquished all to join the general government, and advance the interest of the union. He requested the particular attention of the convention, to a short matter of fact, which his having had the honor to act as a commissioner in the late negotiation with Newyork, enabled him to state, and which would perhaps have a tendency to remove jealousies respecting the security of landed property, in any wise affected by the treaty with Newyork.

At the period of the final ratification of that treaty, said he, there were three fair copies thereof engrossed on parchment, one of which was designed for and is now lodged in the secretary's office in Newyork, one in the secretary's office of this state, and the third to be carried forward to the seat of federal government, whenever we applied for admission into the union, to be deposited in the archives of congress, as the foundation for admission of Vermont into the federal union. This, says the honorable gentleman, was the idea entertained by the commissioners of both states, and several members of congress present at the time joined fully in the sentiment, that the stipulations of that treaty would form the basis of our admission into the union.

Mr. Niles made many pertinent observations on the impropriety of deferring the adoption till a future day. He wished matters to be treated with the greatest candor. Let every member, says he, state his objections freely, and let every argument be duly attended to—but suffer not division of sentiment to prevail in community if possible to avoid it. It is a certain truth that warm spirits exist among us—these warm spirits may be heated, and being heated may diffuse of their warmth to others, and by so doing may kindle a flame in society the effect of which may be destructive to its peace.

The motion for appointing a committee to draw up a suitable form of ratification, &c. was put and carried in the affirmative by a great majority.

The convention adjourned untill Monday morning nine o'clock.

MONDAY, January 17 [10] nine o'clock a. m.

Convention met pursuant to adjournment.

The committee reported a form of adoption of the federal constitution, to be entered into by Vermont, which being read produced some debate, in the course of which mr. I. Allen proposed an amendment to the form, which being agreed to by the house, the grand question was put and carried by a unanimous vote.¹

¹ See the official report of the President and Secretary of the Convention.

ACT AND RESOLUTIONS OF THE CONVENTION, *transmitted to the General Assembly of Vermont, and the President of the United States.*¹

STATE OF VERMONT—

In Convention of the Delegates of the People of the State of Vermont.

Whereas, by an Act of the Commissioners of the State of New York, done at New York, the Seventh day of October, in the fifteenth year of the Independence of the United States of America, one thousand seven hundred and ninety, every impediment, as well on the part of the State of New York, as on the part of the State of Vermont, to the admission of the State of Vermont into the Union of the United States of America, is removed;—In full faith and assurance that the same will stand approved and ratified by Congress;—

This Convention, having impartially deliberated upon the Constitution of the United States of America, as now established, submitted to us by an Act of the General Assembly of the State Vermont passed October the twenty seventh one thousand seven hundred and ninety. Do, in virtue of the power and authority to us given, for that purpose, fully and entirely approve of, assent to, and ratify the said Constitution; And declare that, immediately from, and after, this State shall be admitted by the Congress into the Union, and to a full participation of the benefits of the government now enjoyed by the States in the Union, the same shall be binding on us and the people of the State of Vermont forever.

Done at Bennington, in the County of Bennington, the tenth day of January, in the 15th year of the Independence of the United States of America, one thousand seven hundred and ninety one.—In testimony whereof we have hereunto Subscribed our Names—

THO^S. CHITTENDEN, *President,*

MOSES ROBINSON, *Vice President,*

Tim ^o Brownson	Israel Smith	Mich ^l Flynn
John Fassett	Benj. Greene	Cornelius Lynde
John Strong	Andrew Selden	John N. Bennet
Jonathan Hunt	John Marsh	Jonathan Brewster
Gideon Olin	Gardiner Chandler	Jona M'Connell
Stephen R. Bradley	Timo ^y Todd	Benj Henry
Janna Churchill	Calvin Knoulton	Samuel Lathrop
Eben ^r . Wilson	Timothy Bliss	Oliver Pier
John White	W. C. Harrington	Nathl Stoughton
Daniel Shearman	Josiah Edson	Martin Powel
Abel Waters	N. [Noah] Lee	Nathan Daniels
James Shafter	Isaac Lyman	Jason Duncan
Edward Aiken	Daniel Jewet	Elias Curtis
Simon Stevens	John Forgason	Sam ^{el} Beach
Abel Thompson	Reuben Thomas	Benj ^a . Emmons
Joshua Wood	Thomas Jewett	Alex Brush
Nath ^l Chipman	Asaph Fletcher	Daniel Gilbert
Tho ^s . Hammond	Elijah Lovell	Ira Allen
Benja. Holcomb	John Rich	Timothy Castle
Peter Briggs	John Barron	Eleazer Claghorn
John M'Neile	Amos Brownson	Silas Tupper
Oliver Gallup	David Hopkinson	David Palmer
Lem. Chipman	Dan ^l Kingsbury	W ^m Perry
Samuel Miller	Sam ^l Harrison	Joseph Warner

¹ From the original, now in possession of the Vermont Historical Society.

Asahel Smith	Peter Pennock	Daniel Buck
Simeon Smith	Martin Chittenden	Daniel Farrand
John Shumway	Josiah Pond	Abraham Morrill
Silas Hathaway	W ^m Slade	Beriah Loomis
Thos ^r Porter	John Spafford	Asahel Jackson
John Smith	Peter Sleeman	Jon ^{as} Arnold
Elisha Barber	Jonas Whitney	Sam ^l Gatt [Gates.]
W ^m Ward [of Poultney]	Nath ^l . Niles	Eben ^r Allen
Joseph Beeman	Alex ^r Harvey	Enos Wood
Heman Durkee	W ^m Chamberlain	Sam ^l Hitchcock
E. [Emanuel] Case		

STATE OF VERMONT ss *Bennington January 10th 1791.*

The foregoing ratification was agreed to, and signed by one hundred and five, and dissented to, by four; which is a majority of one hundred and one.¹

THOS. CHITTENDEN. *President.*

Attest, ROS^l. HOPKINS, Sec^y of Convention.

STATE OF VERMONT—*In Convention Bennington Jan^y. 10th 1791—*

Resolved (the Governor of this State being President) that the Vice President be and hereby is directed to transmit to his Excellency the Governor Duplicates of the act of this Convention ratifying the Constitution of the United States of America to be by him transmitted to the President of the United States and the Legislature of this State.

Attest

ROS^l. HOPKINS *Sec^y*²

STATE OF VERMONT. IN CONVENTION, Bennington, Jan^y. 10th 1791.

Resolved that the following recommendations be signed by the Vice President and Countersigned by the Secretary of this Convention and be by the Vice President transmitted to the Governor of this State to be by him communicated to the Legislature, viz.

Resolved that it be recommended by this Convention to the Legislature at their adjourned session in January instant to take effectual measures in the proposed negotiation with the Congress of the United States of America for the admission of this State into the Confederate government that the act of the Commissioners of the State of New York for removing obstacles &c. done at New York on the 7th day of Oct^r in the 15th year of the Independence of the United States of America A. D. 1790—and the act of this State in consequence thereof—also an act of this State intitled an act for quieting [settling] disputes concerning landed property³ be in no wise impeached but that the same be and remain in full force to all intents & purposes for which they were enacted & made.

Be it further recommended that the legislature so modify the several laws commonly called *tender acts* as shall be least obnoxious to the constitution of the United States & least prejudicial to the citizens of this

¹ On comparing the signatures to this act with the roll of delegates, it is found that the dissenters were Daniel Heald of Chester, Moses Warner of Andover, Benjamin Perkins of Bridgewater, and Enoch Emerson of Bridgewater.

² For proceedings of the General Assembly on this subject see *ante*, pp. 218–20, 223–4, 226 note, 227.

³ Supposed to mean the betterment act of 1785.

& the United States, where contracts are subject to the operation of these Laws.¹

Be it further recommended that as soon as this State shall be received into the Union the Legislature do take the most effectual measures to procure an equitable adjustment of the expenditures of this State during the late War between Great Britain & the United States.

By order of Convention,

MOSES ROBINSON, *V. President.*

Attest ROS. HOPKINS *Secy.*²

The adoption of the constitution of the United States by Vermont was an occasion of joy in the nation, and specially in New York and Vermont, the States which had been so long contending. The *Vermont Gazette* of Jan. 24 1791 contained the following:

ALBANY, [N. Y.,] January 13.

XIVth PILLAR OF OUR FREE AND HAPPY FEDERAL GOVERNMENT.

Yesterday morning, the pleasing intelligence of our sister state, VERMONT, having adopted the american constitution, by a state convention, was received by a gentleman of character from that quarter—and at one o'clock, the independent company of artillery paraded, in uniform, and fired a federal salute of 14 guns from Forthill, which was followed by three cheerful huzzas, from a number of our most respectable citizens. This agreeable event, which closes the circle of our federal union, cannot fail of being received with the utmost satisfaction by all americans, of every description, who are friends to order, unanimity, and good government, and to the true welfare of our happy country.³

¹Jan 25 1791, the “act to compel the fulfilment of contracts according to the intent of the parties” was so amended as to extend to no contracts entered into after the first day of June 1791.

²*Vermont Ms. State Papers*, Vol 30, p. 164.

³The same number of the *Gazette* contained an extract from a letter written by a member of Congress to a gentleman in Bennington, covering a copy of a bill for the admission of Kentucky into the Union, which passed the Senate on the 5th of January. This was sent for the purpose of inducing Vermont to adopt the federal constitution, but it was not received until after the convention had completed its work. The Kentucky act was approved on the 4th, and the Vermont act on the 18th of February 1791. By these acts Kentucky was to be admitted on the first day of June 1792, and Vermont on the 4th day of March 1791: so Vermont was the first State admitted into the Union under the constitution.

CELEBRATION AT RUTLAND, March 8 1791.

*Copy of a letter from Rutland, dated March 9.*¹

Yesterday a numerous collection of the federal citizens of Vermont, met at the town square in this town to celebrate the accession of this State to the federal union.

The federal standard was hoisted at six o'clock in the morning, ornamented with fifteen stripes, and the field emblazoned with two stars, representing the states of Vermont and the new state of Kentucky. About five in the afternoon, a large body of citizens assembled at Williams's inn, consisting of the judges of the supreme federal court, the attorney general and other officers of the court, the rev. clergy of the vicinity, with a large number of respectable citizens from this and the neighboring states.

After an economical collation the following federal toasts were drank, under the discharge of cannon, fired by the volunteer corps of artillery, under the direction of capt. Samuel Prentiss.²

1. The president. A discharge of fifteen cannon.
2. The vice president and congress.
3. The allies of the united states.
4. The state of Newyork.
5. His excellency governor Chittenden.
6. The union of Vermont with the united states,—may it flourish like our pines and continue unshaken as our mountains.
7. May the new states soon rival the old in federal virtues.
8. May the federal officers of the district of Vermont act with integrity and merit the confidence of the people.
9. May the patriotism of America secure it from venality.
10. The union of states, interests and hearis.
11. Arts, sciences, manufactures and agriculture.
12. The clergy, may they unite to dispel the clouds of ignorance and superstition.
13. The memorable 16th of August, on which was fought the glorious battle of Bennington.
14. The conjugal union and rising generation.
15. May we never experience a less happy moment than the present under the federal government.

The following song composed for the occasion was sung by a select choir of singers, accompanied by the whole. [*Tune Washington's birthday.*]

COME every federal son,
 Let each Vermonter come,
 And take his glass,
 Long live great Washington,
 Glory's immortal son;
 Bright as the rolling sun,
 O'er us doth pass.
 Hail hail this happy day,
 When we allegiance pay,
 T' our federal head,

¹ From the *Vermont Gazette* of March 21 1791.

² Samuel Prentiss of Rutland was a member of the bar of Rutland county in 1794-5. Chief justice Samuel Prentiss of Montpelier was then only thirteen years of age.

Appendix I.

Bright in these western skies,
Shall our new star arise,
Striking our enemies
 With fear and dread.

Come each Greenmountain boy,
Swell every breast with joy,
 Hail our good land,
As our pines climb the air,
Firm as our mountains are,
Federal beyond compare,
 Proudly we stand.

Fill fill your bumpers high.
Let the notes rend the sky,
 Free we'll remain,
By that immortal crown
Of glory and renown,
Which our brave heroes won
 On blood stain'd plain.

Then come join hand in hand
Like a firm federal band,
 Bound by our [one] law,
From our firm union springs
Blessings unknown to kings.
Then each shout as he sings
 Federal huzza.

Volunteer toast. May the Vermonters become as eminent in the arts of peace as they have been glorious in those of war.

The festival was concluded with continued demonstrations of joy. In the evening the ladies of the vicinity honored the youthful part of the company with their presence at a ball.

APPENDIX K.

ADMISSION OF VERMONT INTO THE UNION.

AN ACT for the appointment of Commissioners from this State for the purpose of repairing to the Congress of the United States and declaring their duty. [Passed Jan^y. 20th. 1791.

It is hereby Enacted by the General Assembly of the State of Vermont that Nathaniel Chipman and Lewis R. Morris Esquires be & they are hereby appointed Commissioners from this State to repair as soon as may be to the Congress of the United States of America whose duty it shall be there to endeavour that such act or acts as congress may pass for the purpose of admitting the State of Vermont into the government of the United States be so predicated on, and in affirmance of the act of the commissioners of the State of New York done at New York October seventh one thousand seven hundred and ninety—and of an act of this State in consequence thereof entitled “an act directing the payment of thirty thousand dollars to the State of New York and declaring what shall be the boundary line between the State of Vermont and the State of New York & declaring certain grants therein mentioned extinguished,” passed October twenty eighth, one thousand seven hundred & ninety, that the same be made the basis of the union of this State with the United States—and further that it be the duty of said commissioners in such act or acts of Congress as shall recognize the sovereignty & independence of this State to endeavour that the same extend back as far as the first formation of government in this State.—And

It is hereby further Enacted by the Authority aforesaid that, whereas the number of free persons in the State of Vermont exceed in the opinion of this Legislature ninety thousand, it shall therefore be the duty of said Commissioners to represent the same to Congress & endeavour that said State by act of Congress be entitled to chuse three representatives in the Second Congress of the United States of America.¹

¹ Jan. 27 1791. an act was passed by the General Assembly dividing the State into three congressional districts: Bennington and Windham counties forming the first district; Windsor and Orange the second; and Rutland, Addison, and Chittenden the third. But in anticipation that Congress would admit only two representatives, the counties on the west side of the mountains were to form the first district, and those on the east the second.

ACTION IN CONGRESS.

IN SENATE, Feb. 9 1791.—The following message was received from the President of the United States:

Gentlemen of the Senate, and House of Representatives:

I have received from the Governor of Vermont, authentic documents expressing the consent of the Legislatures of New York and of the Territory of Vermont, that the said Territory shall be admitted to be a distinct member of our Union, and a memorial of Nathaniel Chipman and Lewis R. Morris, commissioners from the said Territory, praying the consent of Congress to that admission, by the name and style of the State of Vermont; copies of which I now lay before Congress, with whom the Constitution has vested the object of these proceedings.

GEO. WASHINGTON.

United States, Feb. 9, 1791.

Ordered, That the message from the President of the United States of this date, with the papers accompanying it, be referred to Messrs. [Rufus] King [of New York,] [James] Monroe [of Virginia,] [Oliver] Ellsworth [of Connecticut,] [John] Langdon [of New Hampshire,] and [Benjamin] Hawkins [of North Carolina.]

February 10.—Mr. King, from the committee to whom was referred the message from the President of the United States of the 9th instant, relative to the State of Vermont, with the papers therein contained, reported a bill for the admission of the State of Vermont into this Union. The bill was read the first time. *Ordered*, That this bill pass to the second reading.

February 11.—The bill for the admission of the State of Vermont into this Union was read the second time, and, on motion, it was agreed that the second section should be expunged.¹ *Ordered*, That this bill pass to the third reading.

On motion, it was agreed by unanimous consent, to dispense with the rule, so far as to permit Mr. King at this time to bring in a bill regulating the number of representatives to be chosen by the States of Kentucky and Vermont; which bill was read the first time. It was agreed, by unanimous consent, that the rule be so far dispensed with, as that this bill be now read the second time. *Ordered*, That this bill pass to the third reading.

February 12.—The Senate proceeded to the third reading of the bill for the admission of the State of Vermont into this Union. *Resolved*, That this bill do pass.

The Senate proceeded to the third reading of the bill regulating the number of representatives to be chosen by the States of Kentucky and Vermont. *Resolved*, That this bill do pass.²

February 14.—A message from the House of Representatives informed the Senate that they have passed the bill sent from the Senate, for the admission of the State of Vermont into this Union.³

*Nathaniel Chipman to Gov. Chittenden.*⁴

RUTLAND, March 23, 1791.

Sir:—I returned from Philada. about three weeks since. In the prosecution of our mission we experienced every possible attention and friend-

¹ Probably the second section fixed the number of representatives in Congress, and it was deemed best to do this for both Kentucky and Vermont in a separate bill.

² Two representatives were assigned to each State.

³ *Debates in Congress*, old series, Vol. II, pp. 1798-1800.

⁴ *Vt. Ms. State Papers*, Vol. XXIV, p. 37.

ly assistance. An act past admitting Vt. into the Unⁿ as a State already formed and from the first rightfully possessed of sovereignty independent of the union. This clearly secures our property vested by former laws, for if we had a right to make laws previous to the union, which could vest property, the admission cannot have a retrament [retroactive effect] to divest. Another act is past allowing us two representatives. We found the former apportionment was one representative to forty thousand, tho' after the census there will be one to thirty thousand. A third act passed giving effect to the laws of the Union within the State of Vermont, by which Vt. was formed into a district of the Union. These acts were to take effect on the fourth of inst. March. They were not enrolled, so that certified copies could be taken. My business would not permit me to tarry longer. Mr. Morris waited. I hear he returned last Wednesday, and the papers will be transmitted to you by the Windsor post, perhaps before this is received, for which reason I am less explicit. Mr. [Noah] Smith I left in Philadelphia. I hear he is appointed Supervisor of Excise for this District. If so, I fancy the business of Senators is settled. Please to excuse this hasty scrawl. I am, sir, with the greatest respect your most obedient servant. NATHL. CHIPMAN.

Gov. Chittenden.

*Vermont Commissioners to Gov. Chittenden.*¹

Sir:—We should have done ourselves the honor of communicating to your Exc^y long ere this the result of our commission to Congress, had not a variety of circumstances intervened to prevent. We flatter ourselves that no further apology will be necessary. We will therefore refer your Excellency to the dispatches communicated by the Secretary of State for the success of our mission, which we flatter ourselves must meet with your approbation.

The simple and concise terms in which the laws relative to the admission of this State are couched cannot fail of giving you great satisfaction, and we cannot, sir, in justice to ourselves close this communication, without expressing the high sense we entertain of the candour of Congress and the many civilities we received in the discharge of our duty.

We are, with the greatest respect, Your Excellencies' most obedient humble servants,

NATHL. CHIPMAN,
L. R. MORRIS.

Rutland, 24 May, 1791.

His Excellency, Governor Chittenden.

*U. S. Secretary of State to Gov. Chittenden.*²

Sir:—I have the Honor to send you herein enclosed a Collection of the Acts passed at the third Session of the Congress of the United States of America, and of being with Sentiments of the most perfect Respect

Your Excellency's

Most obedient &

Most humble Serv^t

TH: JEFFERSON.

His Excellency

The Governor of the State }
of Vermont.

AN ACT for the admission of the State of Vermont into this Union.

The State of Vermont having petitioned the Congress to be admitted a member of the United States—

¹ Vt. Ms. State Papers, Vol. XXIV, p. 39.

² Vermont Ms. State Papers, Vol. 24, p. 36.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted & declared, That on the the fourth day of March, one thousand seven hundred and ninety-one, the said State, by the name and style of "the State of Vermont," shall be received and admitted into this Union, as a new and entire member of the United States of America.

FREDERICK A. MUILENBERGH,

Speaker of the House of Representatives.

JOHN ADAMS,

Vice President of the United States, and President of the Senate.

Approved, February 18th, 1791.

GEORGE WASHINGTON, *President of the United States.*

(True copy.)

THOMAS JEFFERSON, *Secretary of State.*

AN ACT regulating the number of Representatives to be chosen by the states of Kentucky and Vermont.

Be it enacted, &c., That until the representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the States of Kentucky and Vermont shall each be entitled to choose two representatives.

FREDERICK A. MUHLENBERGH,

Speaker of the House of Representatives.

JOHN ADAMS,

Vice President of the United States, and President of the Senate.

Approved, February 25, 1791.

GEORGE WASHINGTON, *President of the United States.*

(True copy)

THOMAS JEFFERSON, *Secretary of State.*

AN ACT giving effect to the laws of the United States within the State of Vermont.

Sec. 1. Be it enacted, &c., That from and after the third day of March next, all the laws of the United States, which are not locally inapplicable, ought to have, and shall have, the same force and effect within the State of Vermont, as elsewhere within the United States.

And to the end that the act, entitled "An act to establish the judicial courts of the United States," may be duly administered within the said State of Vermont,

Sec. 2. Be it further enacted, That the said State shall be one district, to be denominated Vermont district; and there shall be a district court therein, to consist of one judge, who shall reside within the said district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in May next, and the three other sessions progressively on the like Monday of every third calendar month afterwards. The said district court shall be held alternately at the towns of Rutland and Windsor, beginning at the first.

Sec. 3. And be it further enacted, That the said district shall be, and the same hereby is, annexed to the eastern circuit. And there shall be held annually in the said district one circuit court: the first session shall commence on the seventeenth day of June next, and the subsequent sessions on the like day of June afterwards, except when any of these days shall happen on a Sunday, and then the session shall commence on the day following; and the said sessions of the circuit court shall be held at the town of Bennington.

Sec. 4. And be it further enacted, That there shall be allowed to the judge of the said district court the yearly compensation of eight hundred

dollars, to commence from the time of his appointment, and to be paid quarter-yearly at the treasury of the United States.

Sec. 5. And be it further enacted, That all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, (except as herein afterwards is expressly provided) contained and expressed in and by the act entitled "An act providing for the enumeration of the inhabitants of the United States," shall have the same force and effect within the said State of Vermont, as if the same were, in relation thereto, repealed, and re-enacted in and by the present act.

Sec. 6. And be it further enacted, That the enumeration of the inhabitants of the said State shall commence on the first Monday of April next, and shall close within five calendar months thereafter.

Sec. 7. And be it further enacted, That the marshal of the district of Vermont shall receive in full compensation for all the duties and services confided to, and enjoined upon, him, in and by this act, in taking the enumeration aforesaid, two hundred dollars.

And that the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships & vessels" may be carried into effect in the said State of Vermont:

Sec. 8. Be it further enacted, That for the due collection of the said duties, there shall be in the State of Vermont one district; and a collector shall be appointed, to reside at Allburgh on Lake Champlain, which shall be the only port of entry or delivery within the said district, of any goods, wares, or merchandise, not the growth or manufacture of the United States.

Provided nevertheless, That the exception contained in the sixty-ninth section of the act last above mentioned, relative to the district of Louisville, shall be, and is hereby, extended to the said port of Allburgh.— [This allowed importations in vessels of less than thirty tons. The section is the 70th in the act as printed in the *Debates*.]

FREDERICK A. MUHLENBERGH, *Speaker of the House of Representatives.*

JOHN ADAMS, *Vice President of the United States, and President of the Senate,*

Approved March 2, 1791,

GEORGE WASHINGTON,
*President of the United States.*¹

(True copy,) THOMAS JEFFERSON, *Secretary of State.*

FIRST UNITED STATES OFFICERS IN VERMONT.²

The President of the United States has appointed by & with the advice & consent of the Senate the following officers in Vermont:

Noah Smith Supervisor of Excise & Impost.

Nathaniel Chipman Judge of the District of Vermont.

Stephen Jacob District Attorney.

Lewis R Morris Marshal of the District.

Stephen Keyes collector of the port of Allburgh.

¹ *Vermont Gazette* of March 21 and 28 1791; and *Debates in Congress*, old series, Vol. II, pp. 2374, 2375, 2382.

² From the *Vermont Gazette* of March 21 1791.

APPENDIX L.

PAPERS OF CHARLES PHELPS, ESQ., OF MARLBOROUGH,

ON THE CONTROVERSY WITH NEW YORK, &C., 1770 TO 1777.

*Furnished by Hon. JAMES H. PHELPS, of West Townshend.*¹

A.—1.

An account of my time and expenses in prosecuting petitions to prevent New York patenting those lands west of Connecticut River, and east of New York east line; to the vast damage of the Province of the Massachusetts Bay, as well as those inhabitants residing on said lands, which contain about fifty townships of six miles square, each. Being the time spent since the year 1770; previous to which, I spent about £50 lawful money, some years before.

One journey to Boston, to take advice of Gov. Hutchinson in the premises; and from thence to New Hampshire, to procure subscribers to said petition, and money to get it carried to England. I spent 32 days in preparing for, and in performing said journey. I spent about s4 per day for keeping myself and horse for 21 days; and 11 days at Portsmouth, which was a dollar per day there, for myself and horse.

For myself and horse, the 21 days, at s4,	£4 4 0
“ “ “ “ the 11 days,	3 6 0
My time, at s4 per day, 28 days,	5 12 0
My horse, for the journey, three dollars,	0 18 0
	£14 0 0

Five weeks spent in procuring a petition subscribed, to send to England, at s3 per day, 15 dollars,	£4 10 0
For expenses of myself and horse, s2 d8 per day,	4 0 0
Horse, 5 weeks journey, at s2 per day,	3 0 0
Drawing the petition,	0 10 6
Drawing another on parchment, three dollars,	0 18 0
	£12 18 6

¹The labors of CHARLES PHELPS, here recited, were in part the foundation for the act of clemency passed in October 1784.—See *ante*, p. 332.

1772, May. One journey to Boston, to advise with Gov. Hutchinson, and the leading Gentlemen of the House of Representatives, and several Gentlemen of the Honorable Board. I spent 12 days. Eleven days, at s4 per day, is	£2 4 0
For expenses of myself and horse, s6 per day,	2 8 0
Horse for the journey, 125 miles,	0 16 6
	<hr/>
	£5 8 6

June and July following, I spent 6 weeks more to prepare a petition, and in getting it answered by the 3 branches of the Legislature at Boston, General Court, praying the King and Council to prevent any more patents from New York covering said lands, after Hinsdale and part of Guilford were patented to Howard.

I spent 5 weeks and 4 days, besides Sabbaths.

Expenses out in cash,	£6 15 0
My time, 34 days, at s4 per day,	6 16 0
Horse for the journey,	0 16 0
	<hr/>
	£14 7 0

1772, October. The Governor of New York, and the Patent fee officers there, hearing what I had done in procuring said petition of the General Court, &c., to the King, to prevent their patenting said lands, they drew a petition for the inhabitants on said lands to sign, praying the King to confirm all said lands to New York, and order the other of said townships to be patented under their Seal. Whereupon, I drew another counter petition, and sent to the King last Spring, in opposition to that petition, which cost me 6 weeks time in the months of Dec. 1772, and Jan. 1773, to procure a subscription of the inhabitants to join therein.

At s3 per day, 18 dollars,	£5 8 0
For expenses for myself and horse,	4 16 0
Horse hire, a dollar per week,	1 16 0
Drawing and transcribing the petition,	1 4 0
	<hr/>
	£13 4 0

(1773.) Upon hearing that the Commissioners of the Bay Province, and those of New York had agreed upon the boundary line of each Government last May, at Hartford in Connecticut, I immediately went to Bennington and other towns, to know whether they would join the Bay Province in petitioning the King to reannex to the Bay Province all the lands within the bounds of Roswell's deed, and their charter. I spent 6 days.

At s4 per day,	£1 4 0
Expenses s2 & d8 per day, s16. Horse, s12. All,	1 8 0
	<hr/>
	£2 12 0

1773, June. From thence, in June I went to Boston, to report what the people would do, who consented to join the Bay in so doing.

4 weeks, at s4 per day.	£4 16 0
A considerable part of my expenses were paid me.	
Horse, journey to Boston, 150 miles,	0 18 0
	<hr/>
	£5 14 0

Having obtained a recommendation of the Honorable members of the Honorable Board, and the Honorable House of Representatives,* to have the inhabitants and proprietors of said lands join in petitioning the King to reannex those lands to the Bay Province. I reported to Bennington and other towns the same recommendation, who were extremely pleased therewith. And in Dec., 1773, and part of Jan'y, 1774, I went as far as Ipswich, to procure petitioners to agree to sign said petition.

Spent 4 weeks, & three days.

My whole costs, Time, expenses and horse hire, £9 6 10

1774. An account of my time, and expenses in journeying to Boston and Salem, and back to my Son's at Hadley, from whence I set out, to attend the General Court, to petition for the reunion of the 50 townships of land, &c., from the Government of New York to the Bay Government.

May 19th, 1774, I set out on my journey for Boston, to get Gov. Hutchinson's assistance at England, before he sailed for London. I visited him twice at the Castle before he sat sail, which was the 1st of June, 1774. I spent 6 weeks time, before returning to Hadley.

36 working days, at s4 per day,	£7 4 0
Expenses, taking one day with another, for myself, s4 per day, exclusive of horse keeping; making, with Sabbaths, 42 days. All amounts to	8 8 0
Horse, for the journey, 3 dollars,	0 18 0
Skin of vellum, to draw petition on,	0 10 0
Writing petition to the King and Council, for the inhabitants on those lands to sign,	0 12 0
Tin box, to carry the petition in,	0 3 0
Expense of keeping my horse was a pistareen per day, when at Boston, and Salem. Being seven pistareens per week, for six weeks, 42 Pistareens,	2 10 5
	<hr/> £20 5 5

1774, March 17.† Began to board with son Charles.¹ I staid there till 4 of April following. Then set off on my journey for Greenfield. I went to Westmoreland, & kept at Northfield some days. Returned to Charles', to board, Sabbath night, the 17 of April. I kept there till May 19, and then set off for Boston; to do some business before the General Court, and with Gov'r Hutchinson before he sailed for England. Got down to Boston, Monday night, 23 May. I waited on Gov'r Hutchinson at Castle William, 24 May. Returned to Boston, from Gov'r Hutchinson, 25, Election Day. I began to board at Mrs. Freeman's, at £4, old tenor, per week.

1774, June 23. At Boston, school-master Mr. Samuel Holbrook lent me 3 dollars, to help me in purchasing vellum to write a petition upon

* Note by Hon. James H. Phelps.—Do the preceding words indicate official action, or personal request by leading members of the Board and House?

Probably the General Court was not in session, and various members united in a recommendation which they deemed necessary for the interests of the Province.

† Note by Hon. James H. Phelps.—What is printed upon this sheet was copied from entries made by Charles Phelps of Marlboro, and the original minutes are in my possession. J. H. P.

¹ Charles Phelps of Hadley, Mass.

for the inhabitants of the 50 townships to sign, for reannexing their lands to this Province of the Bay. He, said Mr. Samuel Holbrook, copied on vellum the petition to his Majesty in Council. I returned to my son's at Hadley, 30 June.

1774, July 27. Sent £6, Lawful money, to Deacon Barrett of Boston, by Wilder the Postman. The money to be delivered to Doctor Tho's Young of Boston, with a letter desiring him to pay said sum to said Barrett.

A.—2.

Isaac Searl of Williamstown, in the county of Berkshire, and Province of the Massachusetts Bay, in New England, of lawful age, testifies and says: That on the 28th of last May, (1773,) he was in company with Charles Phelps, Esq., late of Hadley in the County of Hampshire, in said Province; and the deponent heard the leading and principal people of Pownal, now in the Province of New York, all agree and promise said Phelps, that in case the Bay Province would prepare and prefer a petition to his Majesty in Council, praying that all the lands belonging to the Bay Province according to their old charter and Roswell's deed, and lately turned over to the jurisdiction of New York, may be reannexed to the said Bay Province; and in case a petition should be prepared by said Court, or any of its members, for the people of Pownal, they would almost all of them sign the same, and pray the King to reannex said lands to the Bay Province. That they knew the opinion of the people of the town so well, they could assure said Phelps, that almost all that town would join therein with all cheerfulness possible; knowing the Bay Province to be a much better Province to live in, than New York Province was, where they now are. And said Searl was desired to make oath to it, if desired at Boston, to show the General Court that such was their desire. Those persons also desired said Phelps to report to said Court, that such was the truth; and also to use his endeavors that they might be all brought into the Bay Province.

Also that the deponent was with the Committee of the town of Bennington, lawfully authorized to act for that town, when they met at said Bennington on the 28th of May; that said Committee desired said Phelps to inform the General Court during its session then begun at Boston, and report from them in their behalf, that in case New Hampshire did not get into their Province those lands in Bennington, they would immediately join with the Bay Province to have all the land brought again into the Bay Province which had been taken from the Bay and reduced to New Hampshire, and then taken from New Hampshire and reduced to New York jurisdiction. That they would not for any thing miss of being brought into the Bay Province, if they cannot succeed in their endeavors to be reduced to New Hampshire. The Bennington Committee also said to said Phelps, that they knew this to be the sincere desire of all persons inhabiting the towns of the Grants above Bennington, as far as Crownpoint. If they do not get into New Hampshire Province, they would have the Massachusetts Agent at England, Mr. Franklin or whoever he may be, apply immediately to the King to annex them all to the Bay Province; and that they would have said Phelps so inform the General Court, then in session at Boston; and also would have him represent that all the aforesaid towns will, in the

event above named, join the Bay in a petition praying his Majesty to re-annex them to the Bay Province.*

May 24, 1773. We, the subscribers of New Marlborough, in the County of Cumberland and Province of New York, being desirous of a reannexation of our lands to the Bay Province jurisdiction, cheerfully promise to pay Charles Phelps, Esq. of the same town, the sum, or article, or labor, affixed to our names, towards paying him for going to the General Court, at its next session, to solicit that Court to jointly with us petition his Majesty that we may be reannexed to the Bay Province. As witness our hands.

Francis Whitmore.

John Church.

Joseph Winchester.

Sam'l Whitney.

Abel Dimmick.

Nath'l Whitney.

Jonas Whitney.

John Davis.

William Clarke.

Zarrager Barthit.

Moses Church.

Phineas Smith, of Draper, promised to pay half of a dollar.

Benj'n Peirce, " " " " " half of a dollar.

Richard Mellen, " " " " " one dollar.

Nath'l N. Merrit, " " " " " half of a dollar.†

A bushel of wheat.

One day's work.

Three shillings.

Three shillings.

A bushel of rye.

One day's work.

One day's work.

Two days' work.

One day's work.

Two shillings.

One day's work.

A.—3.

Copy of a letter addressed,

For Charles Phelps, Esq., at Boston.‡

Sir:

I hope you have got the Petitions you left with me, though Lieut. Howe did disappoint us much; for he never went to Townshend, —the snow was deep, as he said—and I, never receiving them till a few days before Election, had to go to Townshend, and then hire a man to go to Hadley; and he had to get a man to go to Boston, to your Honor. I hope it has not failed to reach your hands. Sir, I would pray you to get all the accounts of things, both of a private and public nature, and send them by Mr. Graham; for we are in pain to know if it is true, as we have heard, that we are reannexed to the Bay; or at least, all lands are confirmed to the Bay, agreeably to their charter, or at least, agreeably to Roswell's deed, &c. Sir, Col. Hazletine desired we might have a copy of those petitions to be at Westminster when their Court sits, to get signers, if it is not too late; for the Col. and I shall be there; for I have a warrant served on me, and we expect there will be several more. I could have cleared myself of them, but it would have endangered the lives of some, and we expected the times would change so soon as

* Note by Hon. James H. Phelps.—The foregoing is upon two pages of a single leaf, and the jurat is gone. J. H. P.

† Note by Hon. James H. Phelps.—The original subscription paper is in my possession together with others circulated with the same object in view. J. H. P.

‡ The original letter is in my possession.—J. H. P.

to Government affairs, the matter was of no very great consequence. Sir, for want of paper, I cannot write half so much as I would be glad to. Sir, I have paid dear. Sir, please to send your mind what we had best to do at court; for they have charged me with stopping some officers, whereas I never did. Sir, I am your hearty friend, and humble servant,
ISAAC MILLER.

Dummerston, May 31st, 1774.

CLASS B.—1.

Papers marked 1, 2, 3, from class B. were found pinned together, and leaf 4 (class B.) was in same package of papers.
J. H. P.

Copy of a paper having upon its back the following certificate.

“The within is a true copy of the Original. Attest p’r
WILLIAM MATHER, *Chairman.*”

New Malbrough } The judgment of this Comittee is as follows, viz:
Cumbe’d County, } That Mr. John Clark hath the Soul Wright of all the improvements that hath been occupied By his Brother, William Clark, Leate Dese’st, viz., on a lot of Land Situated in New Malbrough; it being on Part of the Wright N. 14, to improve as he shall think Proper, and that Daniel Dimmick, that is now in Possetion of the Premises afors’d, Emedeatly Resin the Same To John Clark, aforsaid. Signed by order.
WILLIAM MATHER, *Chairman.*

CLASS B.—2.

Know all men by these Presents, that We, John Clark, in behalf of Himself and the Heirs of William Clark, Deceased; and Timothy Phelps, Gent’n; and Francis Trainer, Yeoman; in behalf of themselves, in their own personal right, having made Entries respectively upon Each of our several shares of Lands and tenements in the Incorporated town of New Marlborough, claimed by us and a number of other Grantees under the Last Charter and sign maunual of Governor Wentworth, Deceased, and under the Seal of New Hampshire, founded on the order of the Crown of England. Which Lands and Tenements are confirmed to them by virtue of said Charter, together with their Prime occupancy and cultivation; and so established by Royal Grant, and the Highest Sanction of the Crown of England; on the faith whereof they hold the Premises.

All which was well and fully understood by William Williams of Draper, [Wilmington,] Abel Dimmick and Daniel Dimmick of New Marlborough. Nevertheless, they, wickedly contriving, and fraudulently designing to deprive the last charter grantees above named of all their sacred rights and dear bought property, have, with force and arms, and against the peace of this State, and in affront of all the good People thereof, in a corrupt, fraudulent manner, deprived the rightful owners and first occupants of those lands of all their property, acquired in the manner above mentioned. The meanness, cruelty and villainy of which are greatly aggravated by a part of said lands being first improved, built upon and settled on the faith and authority of said last

charter by one William Clark, lately deceased in defence of his bleeding Country, all in arms against those bloody troops who support the most execrated tyranny of a venal, despotic and murderous Administration in Great Britain over the United States of America.

And whereas application has been made in due form to the only Committee of Safety capable of giving ample relief in the premises; who, on mature deliberation of matters submitted by both and all parties concerned in the premises, only prescribed a partial remedy, and neither provided nor ordered to be paid any costs for prosecuting the complaint before them; each of the Committee having demanded and received of said Clark &c. his full costs and expense, for part of two days in hearing the cause, and adjudicating the same; as appears by their order and adjudication, attested by their Chairman, and exhibited herewith. So that no relief is obtained from said Committee, nor can be thereby, adequate to the injustice and wrong sustained; though claim thereto was urged and enforced before said Committee in the strongest and most forcible manner.

Wherefore, to obtain ample relief and full cost in the premises, under the authority of this new State, lately erected, and claiming jurisdiction and sole exercise of all the powers of Government within the limits thereof,—comprehending the lands and tenements, the premises above named—in opposition to all the usurped, oppressive and interdicted powers of the Government of New York &c., of late erected there and tyrannically exercised; to the infinite prejudice of the rights of all the good people thereof, and the Sons of the Ancient, and most Patriotic Government of the Massachusetts Bay.

We hereby constitute and appoint Charles Phelps, Esq. within this new State, our Attorney and Agent to prosecute for us, in our behalf and stead, jointly and for each of us seperately, in this above mentioned case; to gain for us an ample relief under our oppression &c., and all costs of prosecution hitherto denied by said Committee, in case of the forcible entry above mentioned, (with power of substitution,) unto final judgment and execution.

In witness whereof, we have hereunto set our hands and seals, this eighteenth day of June, 1777.

Signed, sealed and delivered, }
in presence of us, witnesses, }
Sol. Phelps.
Thaddeus Underwood.

JOHN CLARK, L. S.
TIMOTHY PHELPS, L. S.
FRANCIS TRAINER, L. S.

CLASS B.—3.

BENNINGTON, 20th June, 1777.

Gentlemen:

Your Faithful messenger, Charles Phelps, Esq., has been carefully engaged in collecting the advice of some of the people of this Town, relative to matters of the nature of the one inclosed.

We are not authorised to determine a matter of such consequence, as it is well known, that we compose but a minor part of the General Convention of the State of VERMONT.

But as we have had many instances of the like nature on this side the Green mountain, and have had a share in the prescription of Measures which have never failed hitherto of producing its desired effect,

We would therefore earnestly Recommend it to all persons concerned in matters of the like nature, that each party Suspend any coercive Measure, at least, until the next Sitting of the Convention of this State

on the Second day of July next; at which time, we doubt not but ample Provision will be made, for the settlement of such matters, to the Satisfaction of such aggrieved parties.

We are, Gentlemen, with esteem, your obedient

Humble Servants,

TO
the Gentlemen
Subscribers of the
within named.

Nathan Clark
Stephen Fay
Simeon Hatheway
Eben'r Walbridge
Moses Robinson
Jno Burnam Junr.
Sam'l Robinson
Jonas Fay.

[Being the persons named on leaf 2. Class B.]

I have the foregoing letter. The signatures are autographs, and the rest of the document was written by Dr. Fay. J. H. P.

CLASS B.—4.

To the Honorable Convention of the newly erected State upon the New Hampshire Grants, in their Legislative Capacity, at their Session at Windsor, begun on the Second Day of July, A. D. 1777.

The Remonstrance and Petition of Charles Phelps, Esq., an Inhabitant upon said Grants, in behalf of his constituents, himself and a multitude of other rightful Claimants, and Proprietors of land in this State.

Wherein he begs leave most humbly to show:

That it pleased his late Majesty, King George the Second, of ever blessed memory, specially to exhibit his Royal Pleasure unto, and commissionate his late Servant, His Excellency, Benning Wentworth, Esq. then Governor in Chief in and over His Royal Province of New Hampshire, to grant charters of land by townships, under the Great Seal of that Province, to certain able-bodied, loyal subjects—now of this State—who would gain a right of property to said lands, by settling and cultivating the same, according to the Royal conditions, limitations, injunctions and reservations particularly set forth in said charters. That said charters clearly express his Royal will and pleasure, as well as his most gracious and kind intentions to his loving subjects, of having his lands cultivated, population increased; his wild, desert, American dominions thereby subdued, and those uninhabited parts of his Kingdom greatly enriched; and vastly augmenting his Royal Power and Dominion thereby: and all for the happiness, as well as the lasting tranquility of us his liege people inhabiting the towns aforesaid. As abundantly appears, by making and founding all his Royal Grants upon those conditions and reservations expressed in said charters, which are ready to be produced, and to which reference is had.

That notwithstanding all this, sundry of those first charter townships were run out without any cultivation or improvement of said lands by the grantees thereof. That thereby those lands became forfeited, and reverted to his Majesty, his Heirs and Successors; as appears by the force of said charters. That after said lands became so forfeited, they were by his Majesty reganted to his loving subjects, who settled said townships under the second charters; or at least begun, and carried on their settlements and cultivations to some considerable degree, at great expense of the grantees thereof.

That all this is well known to sundry evil-minded persons, now resident in this State. Yet they, wickedly contriving and fraudulently intending to deprive said second charter grantees of their rights or shares

of land which they are now settling according to the conditions named in the second charters, do set up a false and interdicted claim to those lands forfeited under the first charter thereof, and upon such forfeiture regranted by his Majesty, as above stated. That those false claimants aforesaid have made forcible entries upon, and do forcibly detain the lands granted by said second charters from the grantees thereof, who are the prime occupants and first settlers of said lands, and have a right unto the same exclusive of all other persons, and exclusive of those who have forcibly and unjustly entered thereupon.

Wherefore your Petitioner most humbly prays relief for the sufferers by a Resolve and Order of this Convention, in their Legislative Capacity, that may effectually prevent all such forcible entries and detainers for the future, and lay a foundation to give ample recompense and full satisfaction for all damages and costs to those now suffering by said forcible entries, &c. As in duty bound, will ever pray.

CHARLES PHELPS.

My ancestor denounced in very bitter terms the action of this convention in regard to trial of land titles. J. H. P.

Copy of an order addressed,

"To Colo. Benjamin Carpenter, at Guilford."

BENNINGTON, Septem'r 9, 1777.

Sir:

Our Case at present is So Circumstanced, that I must pray you to exert yourself Night & Day, in forwarding all the Militia from your Quarter. Spare none that is able to fire a Gun, or Ride a horse, we are determined to make one Important push, & therefore shall stand in (need) of all the assistance possible to be afforded us from the neighboring Towns. The action will Commence before they possibly Can Come up. Notwithstanding, for fear of the worst, Send them forward. The Communication between Burgoyne & Tieonderoga will be Stopped Tomorrow. Be faithful in Notifying the Inhabitants of Hinsdale, against them there are many Complaints in Camp for their Backwardness. Tell them that no person that is a friend to his Country will Show himself backward at this Critical Crisis. Tell them to march to Stillwater, and join with me in Gen'l Stark's Brigade. They may bring with them what ammunition they have, and they Can draw as much more as they want here.

*By the Request of the Council, and Desire of General Stark.*¹

I am yours,

W^m WILLIAMS, Col.

To Colo. Carpenter, at Guilford.

Marlborough, Halifax,

Whiting[ham,] and Wilmington are notified.²

Notes by Hon. James H. Phelps.—1. This line is in the handwriting of Col. Williams.

2. Whiting. [Whittingham.]

ADDITIONS TO AND CORRECTIONS OF

VOLS. I, II, AND III.

CREDENTIALS OF THE FIRST AGENTS OF VERMONT TO CONGRESS.

From the necessities of the case this paper was in an unusual form, and it is desirable that it should be preserved. The following copy is from the *Ms. Stevens Papers*, Vol. 3, p. 57.

To the Honorable JOHN HANCOCK Esq. President of the Honorable the Continental Congress.

Sir,—We beg leave through your hands humbly to communicate to the Grand Representative [body] of the United States, by our trusty friends, viz: Doct. JONAS FAY, Colonels THOMAS CHITTENDEN & JACOB BAYLEY, Capt. HEMAN ALLEN and Doct. REUBEN JONES, the Declaration and Petition of the inhabitants of the district of land described in the preamble thereof,¹ and as they are persons duly delegated by the united and unanimous voices of the Representatives of the whole body of settlers of the described premises, in whom is reposed the trust and management of preferring and negotiating the business thereof; We do therefore desire they may be received by your Honor as such.

New Hampshire Grants }	I am, Sir, &c. by order and in behalf
County of Cumberland, ² }	of Convention,
in General Convention }	JOSEPH BOWKER <i>Chairman.</i>
January 15th 1777. }	Attest IRA ALLEN <i>Clerk.</i>

THE CONVENTION AT CORNISH, N. H., Dec. 9 1778.

In Vol. I, p. 430, sundry proposals of this Convention were given, being all that was printed in Slade's *State Papers*. By the favor of Rev. H. A. HAZEN, of Billerica, Mass., the editor has since received a copy of all the proceedings of that Convention which were intended for the public, as follows:

RESOLVES of a CONVENTION held on the NEW Hampshire GRANTS.

At a Convention of Delegates from twenty-two Towns, on the New-Hampshire Grants from both Sides of Connecticut-River, held at Cornish, Dec. 9th. 1778.

Voted unanimously

1. That the members of this Convention will unite together for the purpose of pursuing such legal & regular measures as may have a ten-

¹ For the Declaration, &c., see Vol. I, p. 48; in the first line of which, as there printed, after the words "The declaration and petition of," the words *the inhabitants of* should be inserted.

² At Westminster.

dency to secure to these Grants, the benefits of good government, without any regard to the destination made by the arbitrary line drawn on the western bank of *Connecticut-river*, by the King in Council, in the year 1764.

2. A pamphlet entitled *A public defence of the right of the New-Hampshire Grants &c.* compiled by the major part of a Committee appointed by the Assembly of *Vermont* for that purpose, was repeatedly read, and unanimously approved.¹

3. Whereas notwithstanding the request for this Convention, but few of those towns whose members continued to act with said Assembly after the protesting members had withdrawn, have sent members to this Convention; and the conduct of the Assembly in passing the votes & resolves contained in their printed journals, the protest, remarks, &c. have rendered it impracticable for said Assembly to carry into execution said resolves as therein proposed, which difficulty will continue so long as said votes stand in force; & as the people of those towns by justifying the conduct of the Assembly in violating the constitution, will on their part dissolve the solemn compact which they entered into by the confederation,²—& the people consequently become discharged from their allegiance and obligations to the State. Therefore voted, that the proposals contained in the before mentioned address, be made to *New-Hampshire*, viz.

1. To agree upon & settle a dividing line between New-Hampshire and the Grants, by committees from each party, or otherwise, as they may mutually agree.

Or, 2. That the parties mutually agree in the appointment of a Court of Commissioners of disinterested judicious men of the three other New-England States, to hear and determine the dispute.

Or, 3. That the whole dispute with New-Hampshire be submitted to the decision of Congress, in such way & manner as Congress in their wisdom shall prescribe. Provided always, That the Grants be allowed equal privileges with the other party, in espousing and conducting their cause.

Or, 4. If the controversy can not be settled on either of the foregoing articles, and in case we can agree with New-Hampshire upon a plan of government, inclusive of extent of territory, that we unite with them, and become with them one entire State, rejecting the arbitrary line drawn

¹ The "Public Defence," &c., adopted by the Convention, was an elaborate argument, a copy of which has also been furnished by Rev. H. A. HAZEN. The editor intended to print it in this volume, but the proposed limits of the volume would not permit, and the following reasons make a delay desirable: the "Defence" is one of the three pamphlets which are named in Vol. II, p. 170, and which were sent to Congress in July 1779. The first is in the Vermont State Library; the second is the pamphlet copied and furnished to the editor by Mr. HAZEN; and the third remains to be found. An unsuccessful search among the papers of the Continental Congress in the U. S. State Department has been made, and inquiries elsewhere in vain; but it is hoped that a copy may yet be found to complete the series. Justice to the people both of western New Hampshire and of Vermont, at that period, requires the series to be completed, and delay for that purpose seems to be justifiable.

² Meaning the Eastern Union of 1778.

on the western bank of Connecticut-river, by the King of Great-Britain in 1764.

4. Voted, That the inhabitants of those towns on the Grants, in the State of *Vermont*, who have not sent a representative to this Convention, and whose members joined with the majority of said Assembly in passing the votes, on account of which the protesting members withdrew, be requested to direct their respective members to rescind said votes & join us in making said proposals to *New-Hampshire*.

5. Voted, That in case those towns whose members continued to act with the Assembly of *Vermont*, still remain firm and steadfast, in supporting and continuing said votes of Assembly, and neglect to join in carrying into execution said report of their committee, we will make overtures to join with *New-Hampshire* on the last article in said proposals.

6. That all other towns on said Grants be requested to join us, in making proposals to *New-Hampshire* as before mentioned—and that those towns which agree to join therein, be requested to transmit copies of their votes relative thereto, to Governor *Marsh*, Mr. *Woodward*, Col. *Morey*, Maj. *Child*, Col. *Payne*, Col. *Olcott*, or Gen. *Baley*, who are hereby appointed a committee for receiving them, and carrying the foregoing votes & proposals into execution, so soon as the towns on the Grants can have reasonable opportunity to join us therein.

7. Voted, That said Committee be empowered to call a Convention from the towns on the Grants, whenever anything shall appear which shall, in their opinion, render one necessary.

J. MARSH, *Chairman*.

Extracted from the votes of said Convention.

B. WOODWARD, *Clerk*.

Lieut. Nathan Smith, Vol. 1, pp. 6, 7.—On page 7 it is stated that Mr. Smith was “probably of Bridport until 1784, when he settled in Shoreham.” Nathan Smith of Bridport seems to have been another person of the same name, who was captured at Bridport by Maj. Carleton in November 1778, at which time Lieut. Nathan Smith of Warner’s battalion had become Major. The last named originated in Nine Partners, N. Y., went from thence to Spencertown, N. Y., and next to Manchester, Vt., where, in March 1777, he was Captain, and also moderator of town meeting; also in March 1778. In Dec. 1778 he had become Major, and was also moderator. In 1792 he left Manchester and settled in Shoreham, where he died previous to 1800.—See Swift’s *Addison County*, p. 87; and Goodhue’s *Shoreham*, p. 23.

Ethan Allen, Vol. 1, p. 110.—The birth-place of General Allen has been claimed by no less than four towns in Connecticut, to wit: Litchfield, Woodbury, Cornwall, and Salisbury. For the arguments in favor of Woodbury, see Cothren’s *Ancient Woodbury*, pp. 412–416.

Zimri Allen, Vol. 1, p. 111.—The date of his birth was there given as Dec. 14 1748. In Cothren’s *Ancient Woodbury*, p. 414, it is Dec. 10 1748.

Col. Timothy Bronson, Vol. 1, p. 238, and *Gen. Gideon Bronson*, Vol. 1, p. 7.—Both were descendants from Richard Bronson, an original

settler at Farmington, Conn., whose son, Cornelius, senior, settled in Ancient Woodbury about 1690. Timothy, son of Cornelius, senior, had ten children, and among them were Col. Timothy, baptized July 1 1734; and Gen. Gideon, baptized Oct. 4 1739. Cornelius, jr., had eleven children, the eighth being Mary, baptized Sept. 1733, who married Gen. Ethan Allen, June 23 1762.—See Cothren's *Ancient Woodbury*, "Bronson Family," p. 504; and *Vt. Historical Magazine*, Vol. 1, p. 135.

Capt. Remember Baker, Vol. 1, pp. 9, 68, 110, &c.—The father of Capt. Baker was the only son of Remember Baker, fourth child of John Baker of Ancient Woodbury, Conn., whose third child was Mary Baker, the wife of Joseph Allen and mother of Col. Ethan Allen. Capt. Remember Baker was born at Woodbury, Conn., in June 1737, and April 3 1760 he married Desire Hurlbut. At the age of eighteen he served in an expedition against Canada, and thus acquired a knowledge of western Vermont; in 1764 he settled in Arlington; in 1771 he was appointed one of the captains, with Ethan Allen, Seth Warner, Robert Cochran, and Gideon Warren, in the military force organized and placed under the command of Allen to resist New York; and for that service, Gov. Tryon of N. Y. issued a proclamation for his arrest, under which he was arrested, but was rescued, in March 1772. He was also an officer under Allen and Warner in the capture of Ticonderoga and Crown Point in May 1775; and on the 5th of July following he was recommended by Allen as the first captain in the regiment of Green Mountain Boys authorized by Congress. At the time of the meeting of the Convention to choose the officers, July 26 1775, Baker was on a reconnoitering expedition to Canada, by direction of Gen. Schuyler, and while in that service, in August, he was killed in a skirmish with Indians near St. Johns. With three of the brothers Allen, Baker was a member of the Onion River Land Company, and it is supposed his estate was lost in the misfortunes of Ira Allen. WILLIAM COTHREN, in the *History of Ancient Woodbury*, [Conn.,] thus speaks of Capt. Baker: "As an officer and soldier, he was cool and temperate in council, but resolute and determined in the execution of his plans. As a neighbor he was distinguished for his kindness, and his memory was held dear by many families whose distresses he had generously relieved."—See Hiland Hall's *Early History*; and Cothren's *Ancient Woodbury*.

Col. Seth Warner, Vol. 1, p. 159.—Col. Warner was a descendant of John Warner of Farmington, Conn., whose youngest son, Doct. Ebenezer, had Doct. Benjamin, who was born May 6 1709, and married Silence Hurd, Dec. 16 1736. Among their ten children, Col. Seth was the fourth, who was born May 6 [old style, May 17 of the new,] 1743, and married Hester Hurd and had three children, Seth, Asahel, and Abigail. Tamar Warner, the mother of Capt. Remember Baker, was a

sister of Doct. Benjamin, and aunt of Col. Seth Warner.¹ Col. Warner died at Roxbury parish in Ancient Woodbury, Conn., on Sunday the 26th of Dec. 1784, and "his remains were interred with the honors of war, which were justly due to his merits. An immense concourse of people attended his funeral, and the whole was performed with uncommon decency and affection." The funeral sermon was preached by Rev. Thomas Canfield, from Samuel i. 27: "How are the mighty fallen, and the weapons of war perished."

The following inscription is on the tablet placed on his grave:

In memory of
COL. SETH WARNER, ESQ.,
Who departed this life December 26th, A. D. 1784,
In the forty-second year of his age.

Triumphant leader at our armies' head,
Whose martial glory struck a panic dread,
Thy warlike deeds engraven on this stone,
Tell future ages what a hero 's done,
Full sixteen battles he did fight,
For to procure his country's right.
Oh! this brave hero, he did fall
By death, who ever conquers all.

When this you see, remember me.²

The *Vermont Gazette* of Jan. 17 1785 contained a brief notice of the death of Col. Warner, which reflected the sentiment of Vermonters of that day in the following lines :

True to his trust, & worthy of command,
He fought the battles of an injur'd land,
Freedom exulting own'd her patriot son,
And plac'd him on her list with WASHINGTON:
There with distinguish'd lustre WARNER shone,
In all the list his peer was scarcely known :
But conquering death has laid the hero low,
His conquests ended, and reliev'd his woe.
Peace to his shade, let grateful thousands say,
Who taught the road to fame, and led the way.

Major Joseph Fay, Vol. 1, p. 122.—Maj. Fay is erroneously recorded as Secretary to the Governor and Council for the year Oct. 1785 to Oct. 1786. Rev. Thomas Tolman was Secretary in that year.

Hon. Matthew Lyon, Vol. 1, p. 123.—The statement, that the indenture of Lyon's service was sold to Jesse Leavenworth of Danville, should be supplemented by another, viz., that Lyon was first assigned, on his arrival in New York, to Jabez Bacon, an eminent merchant of Woodbury, Conn., to which town Lyon was brought. Lyon's services were assigned

¹ By referring to the preceding notes on Capt. Baker and the Brownsons, it will be seen that the families of the Allens, the Bakers, the Brownsons of Sunderland, and Col. Seth Warner, were all connected by intermarriages, and also that for the most part they were from Ancient Woodbury, Conn.

² Cothren's *Ancient Woodbury*, pp. 752-754, 407-411.

by Bacon to Hugh Hannah of Litchfield, Conn., for a pair of stags valued at £12.—See Cothren's *Ancient Woodbury*, p. 320. Rev. Pliny H. White stated that Hannah assigned to Leavenworth.—See White's address before the Vt. Hist. Society, on Lyon, p. 6.

Gen. Benjamin Wait, Vol. I, p. 157.—In the eleventh line, after the words "in the same month," the year 1786 should have been indicated.

Circular Letter of September 21, 1777, Vol. I, p. 175.—Copies of the circular letter signed by Gov. Chittenden were made out on the same day, dated "In Council," and signed by Joseph Fay, the Secretary. A few words, on the urgency of the case, were added by Fay. As this was an official document, the Secretary should have entered a copy of it on the journal of the Governor and Council. He omitted it, probably for the reason that, the added words excepted, it was a copy of Gov. Chittenden's draft. Copies were sent "to every necessary part,"—meaning Massachusetts and New Hampshire as well as Vermont. In response, not only the Green Mountain Boys rallied and bore their part in the capture of Burgoyne's army, but also the militia of the eastern states.—See letter of Chittenden to Gates, Sept. 24, 1777, Vol. I, pp. 180, 181.

The name "Vermont," Vol. I, p. 403.¹—St. John de Crevecoeur, a learned Frenchman, wrote to Ethan Allen in 1785 that the name Vermont is "entirely French."—See *ante*, p. 388. As a compound of two French words, it is evidently so; but the word has been known in France as a name. In Arthur Young's *Travels in France*, p. 108, it is stated that in 1789, in Paris, "the Abbe de Vermont" was reader to the queen and had great influence.

John Fassett, Jr., Vol. II, p. 1.—Judge Fassett should not have been excepted from the Council for the year Oct. 1786 to Oct. 1787, as in 1786 he was elected Councillor to fill a vacancy occasioned by the resignation of Councillor Mattocks, and commenced service as such at the February session 1787. His name is given both as *Fassett* and *Fasset*: the last corresponds with his signature on the bills of credit of 1781.

Message of the Governor and Council, Oct 14 1780, Vol. II, p. 43.—The following was accidentally omitted:

"4th. The making such resolves as will in equity quiet the ancient settlers."

The succeeding paragraph is the fifth on the record. This omission is notable because the paragraph omitted was the origin of the betterment acts.—See p. 343 of this volume.

Montpelier, &c. Vol. II, p. 45.—The first petition to the General Assembly for land embraced in the present towns of *Montpelier, East*

¹ The reference to this subject and page, in the index of Vol. I, was erroneously printed 463.

Montpeñer, Calais, Marshfield, and Plainfield, was entered Nov. 27, 1779, by Ethan Allen, Ira Allen, John Fellows, Paul Dewey, and their associates, to the number of two hundred and forty. The petition asked for land on Onion river adjoining Middlesex and Worcester, and extending eastward from the north eastern corner of the line of Worcester so as to embrace ninety-two thousand one hundred and sixty acres.—*Vermont Ms. State Papers*, Vol. 21, p. 122.

Gen. Roger Enos, Vol. II, p. 108.—The censure freely bestowed upon Gen. Enos in his life-time, and perpetuated by historians since,¹ notwithstanding the acquittal by court-martial, is now proved to have been in a large degree unjust. The witness is unimpeachable, and his testimony is full. Enos commanded the second battalion in Arnold's expedition, and with him, at the time in question, was Capt. Simeon Thayer, of Providence, R. I., who is the witness. Capt. Thayer kept a journal of the expedition, covering incidents from Sept. 11 1775 until Aug. 12 1776, which was printed for the first time in 1867, in a volume entitled "*The Invasion of Canada in 1775: including the Journal of Capt. Simeon Thayer, describing the perils and sufferings of the army under Colonel Benedict Arnold, in its march through the wilderness to Quebec: with notes and appendix, by EDWIN MARTIN STONE.*" The following is Capt. Thayer's account of the council of war, and the determination of Enos to abandon the expedition, copied from pages 9 to 11 of his journal:

Oct. 24 [1775].—Had intelligence of its being twenty-five miles to the great carrying place where the height of land is, and in the meantime destitute of provisions;² for the two Barrels we brought gave two pounds Each man, and we had only [a] half pint left to deliver out; besides, the continual snow aggravated us more, and left [us] in a situation not to be described.

Oct. 25.—We staid for Col. Greene³ to consult about our situation, and what to do for provisions; however we trusted in the Almighty, and hoped he would prove propitious towards us; for the present we had no hopes, unless some Glimpses from the part of the French, which at any rate could not be much. We sent back in three Batteaux, forty-eight sick men, and one subaltern; the river is narrow and of course rapid, Besides bad walking by land; the men are much disheartened and Eagerly wish to return—however, I am certain if their Bellies were full, they would be willing enow' to advance. Whether or no, necessity obliges [us] to proceed at present. Col. Arnold has sent with Capt. Hanchet a party of 60 men, to purchase provisions of the French, if possible. In the afternoon, went about three miles and encamped, waiting for our boats. Here Col. Greene, Capt. Topham and myself staid, by desire of Col. Enos, to hold a council of war, in which it was resolved that Col. Enos should not return back. His party, who were 6

¹ Recently in Lossing's *Field Book of the Revolution*, Vol. I, p. 192.

² The salt had been lost on the 23d.

³ Lieut. Col. Christopher Greene of R. I., who commanded the first battalion.

in number, and by one inferior to ours, and observed with regret that we voted for proceeding;¹ on which they held a council of war amongst themselves, of which were the Capts. McCobb, Williams and Scott, and unanimously declar'd that they would return, and not rush into such imminent danger; to which we replied, if thus determined to grant us some supply, which they promis'd, if we could get a boat from Mr. Copelin, tho' with ye utmost reluctance.

Mr. Ogden, a volunteer under Col. Greene, and myself, took the Boat, in which we ran rapidly down with the current, where we expected to receive from the returning party, four barrels of flour and two of Pork, according to promise. But we were utterly deceived, and only received two Barrels of flour, notwithstanding all our entreaties, and that few only through the humanity of Capt. Williams. *Col. Enos declared to us [that] he was willing to go and take his boat in which there was some provisions, and share the same fate with us, But was obliged to tarry through the means of his Effeminate officers,* who rather pass their time in sippling than turn it to the profit and advantage of their country, who stood in need of their assistance. Capt. Williams stept'd towards me, and wish'd me success, But in the meantime told me he never expected to see me, or any of us, he was so conscious of the imminent Danger we were to go through; in meantime *Col. Enos advanced, with tears in his Eyes, wishing me and mine success, and took, as he then suppos'd and absolutely thought, his last farewell of me, demonstrating to me that it was with the utmost reluctance he remained behind, tho' being certain he never would escape the attempt.*

Friendship of Connecticut for Vermont, Vol. II, p. 136; and Vol. III, p. 293.—Not only advice and sympathy were given to Vermont by the leading men of Connecticut, but much needed aid at a critical time. In Stuart's *Life of Jonathan Trumbull, senior*, p. 473, it is stated that in February and again in Dec. 1780, Ethan Allen applied to Gov. Trumbull, in behalf of Vermont, for powder with which to ward off an expected

¹ At the council, were Lieuts. Colonel Greene and Enos, Major Bigelow, [Timothy, of Worcester, Mass., first grantee of Montpelier,] Captains Topham, *Thayer*, Ward, Williams, McCobb, Scott, Adjutant Hyde and Lieutenant Peters. * * * Captain Ward, a youth of only eighteen years, was now called upon for his opinion. He expressed it frankly and decidedly. The idea of giving up the expedition was totally repugnant to his brave nature, and with a patriotism for which he was ever after distinguished, he gave his vote for advancing. * * * Captains Thayer and Topham took the same side with no less promptness, as did Lieutenants Colonel Greene and *Enos*, and Major Bigelow. Captains Williams, McCobb and Scott, Adjutant Hyde and Lieutenant Peters, took an opposite view. They considered the success of the Expedition hopeless, and gave their votes for returning. The decision to advance was carried by a single vote; but the minority, immediately after the dissolution of the council, conferred together, and unanimously resolved to go back with their men. As the three disaffected companies belonged to Lieutenant Colonel Enos's battalion,* he decided, though as he said, reluctantly, and for reasons that he considered a justification of the step, to go back with them. This he accordingly did.—*Introduction to Capt. Thayer's Journal*, pp. xi, xii.

* Note by the editor of this volume.—Being half of his companies, and, with the sick who had previously returned, a majority of his men.

invasion from Canada, and that Elderkin and Wales, by the governor's orders, sent two tons in all to the "Green Mountain Boys" from their powder mill at Windham, [Conn.] This fact shows that while the Al lens and others in Vermont, from Oct. 1780 until 1783, were trying to protect the State from Haldimand's army in Canada by diplomacy, they did not rely on that alone. The powder was ready for sterner work.

Song of the Vermonters, Vol. II, p. 326.—This was not written "on" the occasion named, though it is admirably adapted to it. The production is modern, and its writer is JOHN G. WHITTIER, the charming Quaker poet, who confessed the fact in 1858.—See *Historical Magazine*, New York, Vol. 2, p. 152. JOSEPH T. BUCKINGHAM first published the ballad in the *New England Magazine*, and doubtless he inspired the writer with the incidents and heroic spirit of the period of Vermont history which it will long commemorate. Buckingham resided for some years from 1786, on the borders of Vermont, at Walpole, N. H., and Greenfield, Massachusetts, and thoroughly sympathized with the Green Mountain Boys.

Col. Charles Johnson, Vol. II, pp. 444, 445.—This name should be *Col. Charles Johnston*, a native of Haverhill, Mass., but from 1769, a resident of Haverhill, N. H., and a leading citizen of the town. Col. Johnston distinguished himself at the battle of Bennington. Armed with a cane only, he disarmed a Hessian officer, seized his sword, and compelled the officer and his men to surrender.—See Chase's *Haverhill, Mass.*, p. 317; and Powers's *History of the Coos country*, pp. 46, 92, 96-105.

Col. Robert Johnson, Vol. II, pp. 96, 105.—The name should be *Col. Robert Johnston*, a distinguished citizen of Newbury, and brother of Col. Charles Johnston of Haverhill, N. H.

Rev. Dr. Samuel Andrew Peters, Vol. I, p. 404, and Vol. II, pp. 499, 500.—There need be no doubt as to this name. In the triennial catalogue of Yale college, Rev. *Samuel Andrew Peters* is classed among the graduates of 1757. Peters was then twenty-two years of age. Still more conclusive evidence is found in original letters of the Rev. Dr. Samuel A. Peters, now in the possession of Joseph Peters of Bradford. In some of the letters the middle name, or its initial, is omitted, but in others it is given. This variance in autograph letters has greatly increased the confusion as to the real name.—See McKeen's *Bradford*, p. 127, on this name, and for an account of a large number of the Peters family in Vermont and its vicinity. Finally, Samuel Andrew Peters himself, in the life of *Hugh Peters* showed the relation between Rev. Drs. Samuel and Samuel Andrew Peters, thus: Samuel Peters, L.L. D., son of John and Mary Peters, born in Hebron in 1717; tory; went to England in 1774. Samuel Andrew Peters, A. M., barrister, son of Jonathan and grand son of John and Mary, had Samuel [Andrew] Peters, who was also a tory, and also

went to England in 1774. It is evident that Rev. Dr. Samuel Peters was uncle to Rev. Dr. Samuel Andrew Peters.

Sometimes Dr. Peters has been ranked as the *first* elected bishop of Vermont. At a Convention of the Episcopal church, holden at Manchester, Feb. 26 1794, Peters was elected bishop "in lieu of the Rev. Doct. [Edward] Bass, who does not accept."—*Vt. Gazette* of March 14 1794. Peters had so strong an attachment for Vermont that, notwithstanding he was both churchman and tory, he highly esteemed many of its leading whigs, whose lineage, like his own, he was proud to trace back to the staunch whigs and puritans of England. In the *Life of Hugh Peters* he named several, as follows: Gen. *Absalom Peters*¹ married Mary Rogers, who was a descendant of Rev. John the martyr, and mother of Rev. Absalom Peters of Bennington. *Samuel Harrison*, of Pittsford,² president of "the philosophical society of Pittsford," who served at the capture of Burgoyne and Cornwallis, was a descendant from Gen. Thomas Harrison of Cromwell's time. Of Gov. *Thomas Chittenden's* lineage, he wrote, that "Moses Chittenden, an officer in Cromwell's own regiment, a solid puritan," "was a brave soldier, and left his spirit to a large number of his children." "The head branch of the family, Thomas Chittenden, Esq., moved into the State of Vermont and was annually elected Governor of that State for many years." And of Gov. *Moses Robinson* he wrote thus:

"Moses Robinson, A. M., of Vermont, has been a Governor of that state, and a Senator in Congress; he is head of the family of Robinsons, descendants of the Rev. John Robinson, the father of the puritans in England in 1620, in whom the methodists and puritans place confidence. One of his aunts married captain Trumbull, of Lebanon, in Connecticut, and had a son named Jonathan [first Gov. Jonathan] who was elected Governor of that State."

Of General Eli Cogswell of Castleton, a true whig, Peters wrote that he was a "good man;" and of Vermont, he wrote from London, March 1795, to Andrew Peters of Bradford, (then recently returned to Vermont from service in the British navy,) that "the reasons of your residing in Vermont, I doubt not, are the same which will induce all people in the old world to go there."—McKeen's *Bradford*, p. 135. See Peters's *History of Connecticut* for an ardent defence of Vermont against New York.

Vol. III, p. 16.—The references to "Appendix A" should be to *Appendix B*.

Defeat of Gov. Chittenden in 1789, Vol. III. pp. 33, 159.—When the reference to "Appendix H" was entered in p. 33, the editor designed to give, in accordance with the reference, a somewhat elaborate statement of the cause of Gov. Chittenden's defeat in 1789. The movement was originated in the Assembly, the action of which in 1788 was manifestly

¹Of Landaff, N. H., member of the Vermont Assembly in 1781.

²Probably of Chittenden also.

designed to destroy the confidence of the people in Ira Allen and Gov. Chittenden, and the Council endeavored in vain to check the House, as the record of the latter shows. The editor's design was abandoned on discovering that every thing on this subject had been carefully excluded from the record of the Governor and Council. A briefer statement here, with references on the subject, will serve to put the curious in the way of finding the details.

Oct. 26 1781, a grant of a township of unappropriated land was made to Maj. Theodore Woodbridge, and the Governor and Council were requested to make out a charter.—See Vol. II, p. 126-7. It appears that a charter was made out for a township named *Woodbridge*, but it was forfeited for non-payment. Thereafter it was regarded, and called by Gov. Chittenden and others, “a flying grant.” Oct. 23 1783, the House passed an act giving the Governor and Council authority “to take such measures as may to them appear eligible, in the recess of the Legislature, to procure such Stores, or money to purchase Stores, as may be found necessary to enable the Surveyor General to compleat a Survey of the Towns in this State;” and to “give the Surveyor General such Advice and Directions as they may think necessary from time to time, in the prosecution of his Business.”—See *Ms. Laws of Vermont*, Vol. 1, p. 413. On the next day, in the execution of this trust, the Governor and Council “empowered and directed” Ira Allen, as Surveyor General, “to dispose of the township granted to Maj. Woodbridge,” also thirty-five rights in Carthage, [Jay.] and use the proceeds in the surveys; also “to hire Money or purchase Stores” for the surveys, “and to pledge the Faith of this State, for the Discharge of any such Debts contracted by him; and this State will be accountable for the Fulfillment of all Contracts by him made, in Behalf of this State.”—See *ante*, pp. 32, 33. Allen went on with the work, and as he failed “to dispose of the town of Woodbridge,” &c., he was compelled to use his own funds in purchasing stores. July 12 1785, a meeting of the Governor and Council was called at Arlington, but unfortunately only one half of the board attended, and nothing appears on the record as of that day. The following important paper, however, was given to Allen, as appears from Allen's address “To the Impartial Public,” dated July 21 1789 :¹

Whereas the survey of the town lines, and cutting roads in the northern part of this state, has become absolutely necessary, for the public weal, as well as advantageous to individuals; and whereas the state have not the money to advance to carry on said business, but have put two tracts of land in the hands of col. Ira Allen, to be by him disposed of, for the sole purpose of carrying on said surveys, and roads, and no person or persons appearing to pay cash or stores for said lands, and col. Allen proposing to advance considerable cash, supplies, &c. to facilitate such business, the council not being convened, we therefore hereby give it as our opinion, that provided col. Allen carry on said business in part at his own expence, and it shall appear evident that he has advanced

¹ For this extract, see *Vermont Gazette* of Aug. 3, 1789.

money, supplies, &c. to carry into effect such business, that said Allen have the whole of said lands, or such part as he may have advanced pay to the amount of, at the price mentioned in a resolution of council, (dated Oct. 24, 1785,¹) for him to sell said lands, provided the towns [Woodbridge and Jay] should run on the mountains; and in case either of them should be on good lands, then said Allen is to pay nine pounds for each right of said lands, that is in the town, or towns, that may be good lands.

THOMAS CHITTENDEN,
THOMAS PORTER,
TIMOTHY BROWNSON,
JONAS FAY,
SAMUEL SAFFORD,
MOSES ROBINSON,
JOHN FASSET.

Arlington, July 12, 1785.

Allen continued to furnish funds for the work, as appeared on the final settlement of his accounts.—See *ante*, pp. 162, 163; and final settlement noted *post*, 512. At the election in Sept. 1786, Allen was defeated as State Treasurer, and that, with other indications of the results of the election, so alarmed him that he called upon Gov. Chittenden to deliver to him the charter of Woodbridge. The act of Oct. 23 1783, and the resolutions of the Council of the succeeding day, were still in force; under these Allen had a *legal* right “to dispose of” Woodbridge and the thirty-five rights in Jay; and the governor himself, with one half of the Councillors, had already given the opinion that Allen himself was entitled to them on conditions which had actually at this time been complied with. Gov. Chittenden could not avail himself of the technical objection, that Allen had no *legal* right but “to dispose of” the land, without traversing his conviction and declaration that Allen had fairly and honestly earned it. He seems to have determined to sacrifice a technicality in favor of honesty; and when arraigned for it in 1788, he avowed and defended the act. The committee of the House, consisting of Stephen R. Bradley, Ebenezer Marvin and Phinehas Freeman, reported as follows:

That his Excellency gave for answer, That he did, without advice of Council, in October 1786, a day or two before the General Assembly set [sat] at Rutland,² in pursuance of a flying grant that had been made to one Woodbridge, which had been forfeited, make out and sign, in a private manner, to Ira Allen, Esq. a charter, which, for ought [aught] he knows, covers some of the premises.³—That he did, at that time, take a

¹ £8 per right as the lowest price, and “as much more as they will fetch.”

² The legislature met Oct. 12, and the charter of Woodbridge was probably delivered on the 10th, as it was recorded in the Surveyor General’s record on that day.

³ The land granted to Jonathan Hunt, in Oct. 1787, was referred to. In fact, however, Hunt’s grant covered Huntsburgh [Franklin,] while the charter of Woodbridge describes a town bordering on and east of Alburgh—apparently Highgate, which had been chartered by New Hampshire in 1763.

large bond of said Allen, to indemnify him.—And the reason which he principally gave for it was, the fear that the State would wrong said Allen in his capacity as Surveyor-General.—That when the *Question* was asked his Excellency whether said charter was recorded or not, he answered, he did not know.—See printed *Assembly Journal* of 1788, p. 40.

For the revelation of this transaction, Jonathan Hunt seems to have been responsible. He was a member of the Council in Oct. 1786, and possibly was aware, at that time, of the delivery of the charter to Allen. At all events he must have been so on the 26th of Oct. 1787, as on that day he asked for a grant, describing, as he supposed, the very land chartered to Allen; and the House voted it, 36 to 13, against the protest of Allen.—See ms. *Assembly Journal*, Vol. 3, pp. 240, 241. Oct. 23 1788, Hunt opened an active campaign against Allen and Gov. Chittenden, by another petition, in which he set forth the grant of the previous year to him; stated that Allen had a charter of the land, and asked for an inquiry, and, if the case required, an annulment of Allen's charter. A committee, whose report in part has been given above, was appointed, who reported the result of their interview with Gov. Chittenden, and concluded their report in these words:

That in the opinion of your Committee, his Excellency has violated the trust reposed in him by the Constitution, to keep the *Public Seal* of this State *sacred*: and that he has converted it to *private, sinister views*: And your Committee submit to the House, what order should be taken—and that in the opinion of your Committee, said charter was fraudulent, and ought to be declared void by act of Legislature.

Gov. Chittenden attended the House, and “after a long and anxious hearing of his Excellency” and others, the report was accepted, when Stephen R. Bradley, Israel Smith of Rupert, and Phinehas Freeman were appointed a committee to report on so much of Hunt's petition as asked for an annulment of Allen's charter. This committee reported, Oct. 24th, a bill for that purpose, which was agreed to and sent up to the Governor and Council for concurrence. On the same day Allen was “excused” from service as Agent to Congress, and Isaac Tichenor was elected in his place. The bill of the Assembly in its preamble recited that the governor had been “pleased in a private manner, to deliver a fraudulent instrument” to Allen; and charged that Allen was “seeking to have the same registered and recorded, with a manifest intent to defeat and make void *grants* that have been advisedly made by act of legislation, which great evil to prevent,” the bill declared the charter of Woodbridge “to be null and void, both in law and equity, and incapable of being given in evidence;” and forbade a record of it by any recording officer, under a penalty of two thousand pounds.

Oct. 25th, the Council returned the bill, proposing as a substitute, that the Legislature take the cession of the charter from Allen, and that he should give bonds in the sum of £5000, that he should erase the record of the charter which had been made in the Surveyor-General's office.

The bill of the House and the Council's proposal are entered in full on the journal of the House, and the record closes as follows:

Which being read—after a long hearing of his Excellency and sundry members of the Council, the said preposal was accepted;—and

Resolved, To reconsider the bill, with directions that the same be entered on the Journals.¹

So the bill did not pass, but was sent out to the public in the printed journals. It was industriously used in the following political canvass, and served to defeat Gov. Chittenden in September 1789. Allen published a full account of the matter in August 1789, but at too late a period to gain general circulation previous to the election.²

Feb. 6 1790, commissioners who had been appointed to settle the Surveyor General's accounts, made their report, in which they found the sum of £791 17 8 to be due from the State to Allen, and this after charging against Allen an order on the treasurer for £884 5 11, which Allen had taken in state notes though in equity it ought to have been paid in hard money. They thereupon concluded their report as follows:

We also find, that by an act of the Legislature, the Governor and Council were directed to assist said Allen in procuring supplies for carrying on the surveys; and, agreeable to said act, the Council gave liberty to said Allen, to dispose of the whole of the township of Woodbridge, and thirty-five rights in Carthage, at 8*l.* per right; and that afterwards, the said Allen made an agreement to take said township of Woodbridge, and thirty-five rights in Carthage, for 9*l.* per right, if the lands should be good, or 8*l.* per right if mountainous, when he should have completed the payment of the same in running town lines, &c. And by the deposition of the late Governor Chittenden, it appears, *that said 884*l.* 5 11 was to pay the granting fees of said land*:—and we give it as our opinion, that if the said Allen should have the said township, and thirty-five rights, it would be equitable that he should pay the granting fees in state securities.

SAMUEL SAFFORD,
GIDEON OLIN,
ROSWELL HOPKINS.

Rutland, Feb. 6th, 1790.

This satisfied the people that there had been no fraudulent intent, and no "private, sinister views" in this matter; and at the succeeding election, and every election in his life-time, Gov. Chittenden received a majority of their suffrages.

The charter of Woodbridge seems never to have been recorded by the Secretary of the Governor and Council, or the Secretary of State, but it was entered by Allen in his record as Surveyor General, and is now in the office of the Secretary of State, in a book *erroneously* marked as Vol. 2 of town charters. All the town charters in this book, *Woodbridge excepted*, are in the official record. The book was in Allen's possession when he died, and was given away by his son, Ira H. Allen, to be used as an account book. It came into the possession of Joseph Beeman in

¹ See printed *Assembly Journal* of 1788, pp. 40-49.

² See *Vermont Gazette*, Aug. 3-24, 1789.

1824, and was deposited by him in the office of the Secretary of State, on the supposition that it was an official record of charters. The charter of Woodbridge, given to Allen, was dated Oct. 26 1781, the date of the grant to Maj. Woodbridge, and it was recorded by Allen on the 10th of Oct. 1786, in this book, which probably was originally intended for a state record, but was withheld on account of the questionable charter of Woodbridge.

Vol. III, pp. 45, 48, 49, 63.—The references to "Appendix D" should be to *Appendix G*.

John Fasset, jr., Vol. III, p. 50.—His residence was at Cambridge, he having removed to that town in the summer of 1784.

David Lamb, Vol. III, p. 89.—This name is printed both Daniel and David. David is correct.

Thomas Tolman, Vol. III, p. 109, note 1.—"Thomas Tolman, town clerk of Danby," should be *Ebenezer Tolman, &c.* This error was copied from the *Assembly Journal*.—See *ante* p. 362, note 1.

Brewster Higley, of Castleton, Vol. III, p. 124.—This name is erroneously printed "Higby."

Gov. George Clinton a claimant to land in Vermont, Vol. III, p. 137, note 2.—Several of the citizens of New York, who were claimants to land in Vermont under New York patents, were successful applicants to the General Assembly of Vermont for grants of land; John Kelly for a very large quantity, a part granted previous to the settlement of the controversy with New York. The following grants were made subsequent to the settlement: Jan. 26 1791, 4000 acres of vacant land to George Clinton and John McKesson;¹ Dec. 28 1792, 14,000 acres in Jay chartered to John Jay, and 2000 acres to John Cozine;² and Nov. 5 1798, the governor was requested and required to issue a charter to John Jay and John Cozine for 4905 acres—and to George Clinton, John McKesson, and Peter Kemble "the quantities stated in their petitions."³ It is certain that an agreement was made, as to the terms of the grant of 1787 to John Kelly, by the commissioners of Vermont and New York who settled the controversy between those States; and that Mr. Tichenor, of the Vermont commissioners, was efficient in securing the grant to Chief Justice Jay, for essential service in facilitating the settlement of the controversy.⁴

Vol. III, p. 179.—The figures 162-3 were accidentally omitted in the reference in note 2.

Noah Smith of Bennington, a representative for Johnson, Vol. III, p. 188.—The statement, that Mr. Smith's right to a seat was not questioned in

¹ *Vt. ms. State Papers*, Vol. 31, p. 202.

² *Ms. Charters* in Sec. of State's office, Vol. 1, p. 376.

³ *Vt. ms. State Papers*, Vol. 30, p. 352; and Vol. 31, p. 202.

⁴ See printed *Assembly Journal*, 1792, pp. 64, 70.

1789, is correct; but it should have been added, that Mr. Smith presented credentials from Johnson, Oct. 10 1788, and the question whether he should be admitted to a seat was negatived—ayes 24, noes 43.—See *ms. Assembly Journal*, Vol. III, p. 254.

Nathaniel Chipman. Vol. III, p. 244.—In the days, on the question of instructions to the Agents to Congress, “Mr. Chipman” is found. The roll of the members in the journal of the Assembly shows no member of that name. It does appear, however, that the town of Tinmouth was authorized to hold a special election to fill the vacancy in the House, occasioned by the election of Thomas Porter as Councillor; but no entry appears on the journal of any new member taking his seat from that town. From the important position assigned to “Mr. Chipman” on p. 244, as one of a committee to address the President of Congress, and like positions at the session of the same House in Feb. 1783, it is most probable that Nathaniel Chipman of Tinmouth was the person named.

Insurrection in Rutland County, Vol. III, pp. 367–373.—For another account, see *New England Genealogical Register* for 1872, pp. 126–131.

Edward Aiken, of Londonderry, Vol. III, p. 372.—His name is erroneously placed in the list of those who were absent, or did not vote.

Vol. III, p. 388.—“McKean” should be *Kean*—Hon. John, of S. C.

Vol. III, p. 481, for Enoch Emerson of “Bridgewater,” read *Rochester*.

ACKNOWLEDGMENTS.

Acknowledgments are due to Hon. HAMILTON FISH, U. S. Secretary of State, and HENRY A. HOMES, Librarian of New York State Library, for access to papers in their respective departments on the New Hampshire Grants; to LOVELAND MUNSON, Esq., of Manchester, and Rev. Dr. SILAS McKEEN, of Bradford, for errors corrected—and to the last named specially for facts settling the mooted question as to the name of Rev. Dr. Samuel Andrew Peters of Hebron; to Rev. H. A. HAZEN of Billerica, Mass., for old and interesting documents, which have been for more than half a century unattainable; to the VERMONT HISTORICAL SOCIETY for the engravings of Vermont coins; to MARCUS D. GILMAN, Esq., of Montpelier, for the use of a Vermont bill of credit, for the engraver of the *fac simile*; and to GEORGE LYMAN, Esq., and Hon. HILAND HALL of Bennington, for the portrait of Governor Tichenor which has been engraved for this volume. This portrait, writes Gov. HALL, was painted by an artist in Philadelphia, in the winter of 1796–7, when Tichenor was a member of the United States Senate, and a few months before he was first elected governor. It is undoubtedly a genuine portrait, and represents Gov. Tichenor as he was when actively engaged in affairs of the State. The editor adds, that it is the only one, of three portraits by different artists, which Mr. LYMAN and family would consent to have engraved; and that the signature beneath the portrait is a *fac simile* of Mr. Tichenor’s signature to the report of the Vermont Commissioners on the settlement of the controversy with New York.

GENERAL INDEX.

- Abbott, Joel, 41; Col. John, 419.
Abeel, James, 448.
Abel, [probably Abeel,] 448.
Acknowledgments, 514.
Act and resolutions of the Vt. Convention of Jan. 1791, ratifying the Constitution of the United States, 480, 481.
Acts of Congress, for the admission of Vermont into the Union, 485; fixing the number of representatives in Congress for Kentucky and Vermont, 488; giving effect to U. S. laws in Vermont, 488.
Acts of the Legislative Council of the Province of Quebec on trade through Lake Champlain, in 1787, 403; in 1788, 405; in 1790, referred to, 406.
Acts of New York, appointing Commissioners to settle the controversy with Vermont, 448, 453.
Acts of Vermont, authorizing the Governor and Council to grant pardons, 19, 46, 269, 270, 310; directing the form of passing laws, 35; for the punishment of defamation of civil authorities, 139; on legal tender, contracts, &c., 7, 25, 112, 116, 136, 140-41, 364-5, 375, 383; against treason, &c., 314; to pardon Charles Phelps, 332, and Timothy Church and others, 333; for the prevention and punishment of riots, &c., 373; for the emission of bills of credit, 381; authorizing coinage of copper, 383; establishing post-offices, 392, 393; to open free trade to and through the Province of Quebec, 397; betterment acts, 344, 352; to repeal the prohibition of the trial of land titles, 345; of naturalization, 385, 391; retaliatory, against New York, 302, 331; appointing Commissioners to settle the controversy with New York, 450; to pay \$30,000 to New York, 462; authorizing Convention to ratify the Constitution of the United States, 464.
Adams, Andrew, 178-9: Doct. Samuel, 170.
Adams, President John, 402, 439, 488-9.—*Letters of*, to John Jay in 1787, 402, 439.
Addison county, 83, 90, 91, 97-99, 114, 116, 118, 128, 131, 138, 146-148, 150-51, 155, 194, 220-21, 224, 371, 394, 485.
Adjutant General, 207, 212.
Admission of Vermont into the Union, 218-220, 222, 221, 227, 464-488.
Address, by General Assembly, of thanks to Gov. Thomas Chittenden, 184; to Gov. Moses Robinson, 208; to President Washington ordered in 1789, 188, 201; to Congress, in 1783, 271-2, 274; of Gov. Thomas Chittenden to the freemen of Vermont, in 1786, 359; and of Joseph Marsh to the same, in 1790, 205.
Adultery, polygamy, &c., penalties of, 127.
Affidavits: of Joel Bigelow, 235; Thomas Baker and David Lamb, 240; William Shattuck and Henry Evans, 241; Charles Phelps, 273; Jonathan Kittredge, Thos. Frink, William Shattuck, and William Lee, 274; Oliver Lovell, 275; James Davidson and Wm. White, 319; and of Gov. Thomas Chittenden, 415.
Agents and Delegates to Congress, 19, 84, 174-5, 199, 243-4, 269, 301,

- 334.—Mode of election of, 301; private instructions to, 243; credentials of first Agents, 499.
- Aid, by Vermont to Massachusetts in Shays's rebellion, 375-380.
- Aiken, Edward, 147, 244, 268, 350, 372, 466, 480, 514; James, 87, 89.
- Ainlee, Thomas, 402.
- Alexander, Giles, 110; John, 60, 333-4.
- Allen, Col. Ebenezer, 48, 58, 91, 97, 171-2, 284, 372, 395, 419, 467, 481.—*Letter of*, to Capt. Jesse Safford, in 1780, 284.
- Allen, Elnathan, 194-5.
- Allen, Gen. Ethan, 51, 125, 142, 234-237, 240-242, 268, 284-5, 292, 306, 308, 329, 343, 354, 380, 385-387, 390, 418-19, 501-2, 504, 505-7.—*Letters of*, to the public, 329; to Col. Benja. Simmons, on Shays's rebellion, 379; to St. John de Crevecoeur, on the Oracles of Reason, &c., 390.
- Allen Family, 503; Heber, 228; Maj. Heber, 41; Capt. Heman, 499; Heman, of Highgate, 222.
- Allen, Maj. Gen. Ira, 1-6, 8-10, 13, 14, 16, 18, 19, 23-25, 31-39, 41-43, 45-6, 50-54, 62-3, 66-68, 70-72, 76, 79, 80, 84, 89, 91-2, 95-97, 100, 106, 108, 113, 115-116, 124, 126, 129, 131, 135, 138, 142, 146-149, 153, 155, 157, 161-164, 168, 171, 174, 176, 178-180, 186, 189-191, 200, 202-204, 216-17, 219, 222, 234, 244, 254, 265, 267, 269, 309, 327, 334, 336, 342-3, 359, 361, 380, 398-9, 407-418, 420, 434, 447, 450, 461, 467, 479, 480, 499, 505, 507, 509-513.—Account of, as Surveyor-General, 162; report of, on negotiations for free trade to and through Canada, 398; negotiations for a ship canal from lake Champlain to St. Lawrence river, 407, 411-413, 415-417; statement of his services, 418-420.
- Allen, Ira H., 512; Joseph, 502; Levi, 113, 118, 399-401, 404, 407-9, —*letters of*, 408-9; memorial of, in 1791, 409.
- Allen, Reuben, 369; Samuel, 126; Zimri, 561.
- Ambler, Ebenezer, James and John, 80.
- Amendment, disagreement of Council and Assembly on, 116.
- American Hero, ode referred to, 76.
- Amherst, Gen. Jeffrey, 412.
- An American Farmer, letters from, by St. John de Crevecoeur, referred to, 385, 389.
- Ancient settlers, acts to quiet—see *Betterment acts*.
- Anderson, James, 8.
- Andross, Bildad, note on, 283.
- Andrus, Timothy, 98, 113, 132, 159, 174.
- Apthorp, Charles Ward, 171-2.
- Arms, Josiah, 304-5.
- Arnold, Benedict, expedition to Quebec, in 1775, 505-6; Hon. Jonathan, 113-14, 136-7, 174, 195, 205-207, 213, 218-226, 229, 245, 266, 334, 447, 467, 481.
- Arthur, John, 448.
- Ashcraft, Daniel, 85, 88, 305.
- Ashley, Azariah, 380; John, 30.
- Assembly, General, address of, to President of Congress, Feb. 1783, 271; to Gov. Chittenden, 187; to Gov. Robinson, 208; rules of, 68, 82.—See *Vermont*.
- Attachment of Vermont to the country, declaration of, 16, 20, 269, 271.
- Attorney General, 190, 194, 199, 200, 217, 304.
- Auditor of Accounts, 213, 216-17.
- Austin, Col. Seth, 189, 210.
- Austria, 77, 433.
- Averill, Samuel, 126.
- Averist—see *Everest*.
- Avery, Abraham, 92, 306; John, jr., 314, 380; Samuel, of Westminster, 69, 70, 239; Samuel, Esq., of New York, 189, 198, 202-3;¹ Walter, 225.

¹ The Avery, to whom the title "Esq." is affixed above, was a claimant to over 50,000 acres of land in Vermont, under New York patents, and he received grants from Vermont for a like quantity, on the ground that he had always been a fast friend to the United States as against Great Britain, and to Vermont as against New York. It is stated, in H. Hall's *Early History*, that he resided for a time at Westminster; hence the correctness of the suggestion in Vol. II, pp. 104-5, that there were two contemporaneous persons of the same name, may be doubted; but from the facts that the title "Esq." is affixed in the journals to the grantee, Avery, and that a letter of his to the

- Babcock, Amos, 16.
 Bache, Theophilact, 448.
 Bacon, Jabez, 503-4.
 Baker Family, 503.
 Baker, George, 380; John, 502; Joseph, 223; Mary, 502; Remember, 502; Capt. Remember, 43, 502-3; Capt. Thomas, 239, 266—affidavit of, 240.
 Baldwin, Abigail, 10, 18; Benjamin, of Bradford, 24, 51, 62, 97, 100, 347; Benjamin, of Dorset, 244, 350.
 Barber, Elisha, 121, 221, 311-12, 467.
 Bard, John, jr., and Samuel, 448.
 Barden, Edmund, 448.
 Barlow, Aaron, 70, 88, 111, 350, 399.
 Barnard, Dan, 369; Francis, 78.
 Barnes, John, 122.
 Barnum, Samuel, 171-2.
 Barrett, Deacon, of Boston, 493; Col. John, 37, 57, 62, 68-73, 75, 84, 86, 88-90, 92, 95, 112.
 Barron, Col. John, 63, 65, 97, 100, 162-3, 221, 467, 480.
 Bartholemew, Timothy, 372.
 Bartlett, Ichabod, 123; Hon. Ichabod, of N. H., 123, 329; Hon. Josiah, of N. H., 293, 329; Samuel, 21, 54; Zarrager, 494.
 Barton, Col. William, 55, 180, 192.
 Bartram, John, 386.
 Bass, Rev. Dr. Edward, 509.
 Battle of Bennington, 2, 102, 149, 418, 483, 507; of Hubbardton, 2.
 Baume, Lieut. Col. Frederick, 418.
 Bayley, Frye, 283.
 Bayley, Gen. Jacob, 51, 54-56, 62, 70, 83, 98, 101, 105, 107-109, 111-114, 120-128, 130-132, 134-5, 137-141, 145-154, 156, 160-61, 163, 165-170, 173, 175-177, 181, 184-5, 190-202, 205, 210, 212-216, 284, 286, 292, 347, 362, 370, 377, 499, 501. - *Letters of*, to Gov. Clinton, Oct. 1787, 137, and Sept. 1782, 238; to Prest. Weare of N. H., Oct. 1780, 284.
 Bayley, John G., 146, 148-154, 156, 159, 160; Joshua, 283; Ward, 18.
 Baylies, Hon. Nicholas, 77.
 Beach, Gershom, 132, 136, 148; Samuel, 467, 480.
 Beadle, William, 14.
 Bean, Enoch, 308.
 Beardsley, Jehiel, 39.
 Beatty, Hon. John, of N. J., 324, 326.
 Beebe, Rev. Lewis, to Gov. Chittenden, 64; note on, 162.
 Beeckman, Mary, 448.
 Beeman, Daniel, 161-2; Elijah, 224, Joseph, 467, 481, 512.
 Bell, John, of Philadelphia, 158; Jonathan, 99, 100, 117, 165, 206-7, 209-10, 212-216, 367; William, 215.
 Bellamy, Rev. Dr. Joseph, 76.
 Benjamin, Capt. John, 21, 267-8.
 Bennet, Benjamin, 7; John N., 467, 480.
 Bennington county, 2, 21, 26, 34, 43, 49, 61, 64, 128, 138, 195, 224, 279, 306, 308, 311, 345, 358, 371, 465, 485.
 Benson, Hon. Egbert, of N. Y., 441, 453-454, 459-60, 462; Robert, 242, 460.
 Benton, Samuel, 190.
 Berkshire county, Mass., 359, 377, 380, 493.
 Betterment acts, 16, 31, 37, 44-5, 57, 67, 74, 91, 343-356, 504.
 Bigelow, Edmond, 71; Joel, 234-237, 245, 266, 315—affidavit of, 235; Jotham, 303; Maj. Timothy, of Worcester, Mass., 506; William, 89, 303.
 Bills of credit, 381-383, 514.—*Fac simile* of, facing page 382.
 Bingham, Jabez, 19.
 Biographical and other personal notes—Allen Family, 503; Gen. Ethan and Zimri Allen, 501; Maj. Gen. Ira Allen, 95; Bildad Andross, 283; Sam'l Avery, Esq., of N. Y. city, 516; Baker Family, 503; Capt. Remember Baker, 502; Brownson Family, 501, 503; Rev. Lewis Beebe, 162; Hon. Jonathan Blanchard, 329; Hon. Joseph Bowker, obituary, 51; Jonathan Brace, 345; John Bridgman, 15; Joseph T. Buckingham, of Boston, 507; Nathaniel Chipman, 514; Gov. Thomas Chittenden, descended from Moses of England, 508; Timothy Church, 268; Gen. Eli Cogswell, 508; Hon. Abel Cur-

- tis, obituary, 24; Gen. Roger Enos, 505; Maj. Joseph Fay, 503; Hon. John Fasset, jr., 504; Samuel Harrison of Pittsford, 508; Gen. Moses Hazen, 65; Lieut. Gov. Jonathan Hunt of Vernon, 101, 110-11; Hon. Jonathan Hunt of Brattleborough, 102; Col. Thos. Johnson, 285-6; Col. Charles, and Robert, Johnston, 507; Hon. William Samuel Johnson, 421; Hon. Brockholst Livingston, 331; Hon. Matthew Lyon, 503; Hon. Gouverneur Morris, 291; Hon. Samuel Mattocks, 77; Hon. Increase Moseley, 272; Hon. Nath'l Niles, 76; Joshua Nutting, 350; Rev. Dr. Sam'l A. Peters and family, 507, 508; Chas. Phelps, 332; Hon. Thomas Porter, 1; Rev. Dr. Richard Price, 388; Gov. Moses Robinson, 184, and lineage of, 508; Gen. Samuel Safford, 2; Rev. Elijah Sill, 162; Lieutenant Nathan Smith, and Nathan Smith of Bridport, 501; Gov. Isaac Tichenor, 103, 514; Rev. Thomas Tolman, 50; Gov. Jona. Trumbull, senior, 506; Aime Robert James Turgot, 388; Hon. Royall Tyler, 375; Gen. Benj. Wait, 504; Gen. Ebenezer Walbridge, 102; Warner Family, 503; Col. Seth Warner, 502-3; Col. Gideon Warren, 16; Gen. Wm. Whipple, 288; Capt. Ebenezer Willoughby, 15.
- Birchel, Roger, 159.
 Bisbee, Abner, 372.
 Bixby, Samuel, 233, 239, 240, 334.
 Blake, Timothy—see *Blake*.
 Blackstone, Sir William, 428.
 Blake, Timothy, 75, 350.
 Blanchard, John, 10; Hon. Jonathan, of N. H., to Josiah Bartlett, 329; William, 10.
 Bland, Hon. Theodorick, of Va., 245, 278.
 Bliss, Pelatiah, 122-124; Samuel, 133, 371, 372; Timothy, 166, 467, 480.
 Blodgett, James, 86; William, to Gov. Chittenden, 444.
 Blount, Hon. Wm., of N. C., 245.
 Board of War, 6, 16, 267.
 Bogart, Nicholas A., 448.
 Bogue, Frederick C., and Jesse, 209.
 Bond, George, 266.
 Boudinot, Hon. Elias, of N. J., 245, 251.
 Bowdoin, Gov. James, of Mass., 125-6, 128, 146, 376, 379.
 Bowker, Col. Joseph, 1, 3, 14, 16-18, 23-4, 35, 37, 40-42, 58, 267, 343, 346, 499;—obituary notice of, 54.
 Boyd, Robert, 448.
 Boyden, Maj. Josiah, 304.
 Brace, Hon. Jonathan, 21, 34, 64. —Note on, 345.
 Bradley, Joseph, 333, 349, 350; Hon. Stephen R., 17, 25, 30, 32, 37, 51-2, 55-6, 62, 67-70, 75, 81, 84, 96, 133, 166, 168, 173-175, 199, 215, 219, 223-4, 226, 228, 242, 253, 274, 298, 301, 304-5, 310, 334, 343, 345, 347, 350, 450-51, 461, 464, 466, 473, 475-6, 478-480, 510, 511—*letters of*, to inhabitants of Guilford, Jan. 10 1784, 304; to the publishers of the Vermont Journal, Jan. 24 1784, 305—*remarks of*, on the Federal Constitution, 475, 479.
 Breakenridge, John, 132.
 Breck, Samuel, 386.
 Brewster, Jonathan, 372, 466, 480.
 Bridgman, John, 15, 32, 58, 62, 118-19, 123-4, 132-3, 138, 234, 253, 303, 307, 333, 343, 372, 375—note on, 15; Orlando, 303.
 Brigham, Lieut. Gov. Paul, 26, 32, 65, 105-6, 119, 123, 126, 133, 160, 173-4, 180, 362, 372, 375, 377; Brigham, 28.
 Briggs, Peter, 372, 466, 480.
 Bristol, Gideon, 114; Joseph, 371.
 Bronson, [Brownson] Family, 273, 501-3.
 Brooks, Maj. James, 61.
 Brown, Bryant, 51, 54, 56-7, 64, 70, 114, 124-5, 127-8, 138, 187, 189, 350, 372, 377, 385; Daniel, 131, 157, 180; Nathaniel, 57; Phinehas, 124, 126, 372; Timothy, 26, 122, 131, 157, 180.
 Brownson, Rev. Abraham, 273; Amos, 99, 273, 467, 480; Cornelius, senior and junior, 502; David, 87; Brownson family, 273, 501-3; Gen. Gideon, 4, 34, 38, 47, 91, 122-3, 132-3, 171-2, 189, 210, 273, 362, 370-71, 375, 501-2; Col. Levi, 273; Mary, 502, Richard, 501; Col. Timothy, 1, 3, 5, 7, 9, 14, 16, 23-4, 33, 35-6, 38-9, 43, 50, 52-54, 63,

- 76, 78-80, 89, 101, 105-108, 112, 117-121, 123-128, 130-132, 134-136, 138-141, 145-6, 161-163, 165-173, 176-7, 181-185, 203-210, 212-216, 218-220, 222-226, 229, 243, 267, 273, 308, 343, 376, 385, 410, 466, 480, 501-2, 510.
- Brush, Alexander, 166, 467, 480; William, 75, 91, 97, 118—*letter to*, 128.
- Brydia, David, 12.
- Buck, Hon. Daniel, 50, 66-69, 74, 467, 473, 475-6, 481—*remarks of*, on the Federal Constitution, 473, 476; Lemuel, 209, 215; Samuel, 209.
- Buckingham, Hon. Jedediah P., 171; Joseph T., of Boston, 507.
- Buel, Maj. Elias, 59, 60, 83, 176, 180, 202.
- Bull, Thomas, 244.
- Bullen, Rev. Joseph, 23.
- Bullock, Lovewell, 70, 71; Shubael, 41, 306, 310; William, 309, 350.
- Burgess, Ebenezer, 154, 372.
- Burgoyne, Augustus Horatio, 193; Lieut. Gen. John, 419, 498, 509—capture of, note on, 504.
- Burk, Daniel, 149; Lemuel, 121.
- Burke, Simeon, 30.
- Burnham, John, 171; John, jr., 497.
- Burt, Hon. Benjamin, 106, 122-4, 132, 370-71; John, 371.
- Burton, Rev. Asa, 78, 146; Elisha, 51, 58, 167, 185, 189, 191, 350.
- Business assigned for October session, 1782, 4.
- Butterfield, Benjamin, 45; Thomas, 133, 163-4, 371-2.
- Button, Lois, 80.
- Cahoon, Daniel, 228.
- Campbell, Mary, 170.
- Canada, 435.
- Canal, ship, from lake Champlain to St. Lawrence river, negotiations on from 1784 to 1809, 407-418.
- Canfield, Nathan, 123, 171, 371; Samuel, 72; Rev. Thomas, 503.
- Capron, Joseph, 225.
- Carleton, Sir Guy, Lord Dorchester, 118, 401-404, 406, 410, 423; Gen. Thomas, 284, 419, 501.
- Carpenter, Asaph, 13, 41, 60, 306, 310, 334; Lieut. Gov. Benjamin, 64, 253, 302, 306, 498; Cephas, 67, 371; Cyrryl, 41, 60, 306, 310, 334; Edward, 13, 41, 60, 303, 306, 310, 334; Jabez, 124; James, 372.
- Carroll, Hon. Daniel, of Md., 245, 247, 256, 273, 276; Thomas, 15, 244.
- Case, Emanuel, 37, 466, 481.
- Cass, Gen. Lewis, 77.
- Castilow, Robert, 170.
- Castle, David, 170; Timothy, 466, 480.
- Caswell, David, 42.
- Caverly, Doct. A. M., 368.
- Cazier, Rev. Matthias, 207.
- Celebration at Rutland, on the ratification of the Federal Constitution by Vermont, 483.
- Chaffee, Abner, 12; Atherton, and Rachel, 30.
- Chamberlain, Abner, 21-2; Joseph, 41, 60, 306, 310, 334; Hon. William, 85, 467, 481.
- Chamberlin, Joseph, of Mass., 86.
- Champlain, lake, 260, 294, 318, 320, 327, 411.—Islands in, 180; trade on and through, 17, 60, 63, 267-8, 396-7, 402-3, 405, 412, 417.—See *Canal, Ship*.
- Chandler, Capt. 207; Gardiner, 210, 466, 480; Gen. John, and Hon. John W., 113; John, 74; Nathaniel, 304; Maj. Thomas, jr., 1, 107, 122, 147, 343.
- Chapman, Henry, 418; Throop, 108.
- Chapin, Rev. Pelatiah, 105.
- Chart of the State ordered, 245.
- Chase, Stephen, 13, 67, 334; William, 124.
- Cheshire county, N. H., 384-5.
- Childs, Benajah, 190, 194; Jonathan, 80, 155; Maj. Jonathan, 501.
- Chipman, Hon. Daniel, 133, 351, 355, 364-5, 410-412, 446.—*Remarks of*: on the betterment acts, 354-356; on the temper of the legislature in 1786, 364-366; on the question of land titles as an obstacle to the admission of Vermont into the Union, 440.
- Chipman, Darius, 367, 372; Dr. Lemuel, 30, 35, 109, 119, 125, 154, 156, 166, 180, 187-189, 300, 332, 364, 371, 375, 385, 461, 466, 480; Samuel, 187, 190.
- Chipman, Hon. Nathaniel, 46, 57, 67, 81-83, 87, 106, 113, 117, 176, 189, 191, 211-213, 217, 222, 225, 227,

- 243-4, 266-7, 334, 341, 347, 349-351, 355-6, 439-442, 445-6, 450-56, 461, 466, 480, 486-7, 489, 514.—*Letters of*: to Alexander Hamilton, July 15 1778, 441; to Gov. Chittenden, March 23 1791, 486; of Chipman and Lewis R. Morris to Gov. Chittenden, May 2 1791, 487.—*Remarks of*, on the Federal Constitution, 468, 478.
- Chittenden, Gov. Martin, 467, 481; Moses, of England, 509; Hon. Noah, 91, 97, 98, 221, 409.
- Chittenden, Gov. Thomas, 1, 3, 6, 13, 14, 23-4, 33, 35, 50, 51, 53-4, 62, 64-66, 68, 70-72, 74, 76, 78, 96-98, 101, 105-6, 108, 117-18, 120-128, 130, 132, 134-136, 138-142, 145-147, 149-156, 159, 161-163, 166-173, 175-177, 181-2, 185-187, 191, 197, 201, 205-208, 211-227, 234, 249-253, 262-3, 266, 268-9, 273, 276, 299, 300, 303, 307, 311-313, 321, 326, 329-30, 343, 347, 355, 359, 375-379, 397, 409-10, 413-415, 420, 443-4, 449, 467, 486-7, 499, 504, 508-512.—*Affidavit of*, 415.—*Cause of defeat of* in 1789, 508-512.—*Letters of*: to Stephen R. Bradley, Dec. 24 1782, 253; to the President of Congress, March 18 1783, 274; to same, April 26 1784, 321; to John Bridgman and others, Jan. 10 1784, 303; to Gov. John Hancock, March 10 1784, 312; to the free-men of Vermont, Aug. 1786, 359; open letter accrediting Ira Allen, Oct. 27 1795, 415; to Vermont delegation in Congress, April 20 1797, 415.—*Proclamations of*: of thanksgiving, Oct. 16 1783, on the close of the revolutionary war, 300; Oct. 20 1787, for observance of the laws of the State, 152; Feb. 27 1787, against Shays's rebellion, 377.—*Lineage of*, 509.—*Speeches of*: of Oct. 15 1784, referred to, 52, 330; on retiring from office in 1789, 186; to the General Assembly in 1790, 211.
- Chittenden county, 148, 151, 158, 169, 172, 195, 201, 213, 214, 216, 224, 394, 485.
- Church, Bethuel, 233; Eleazer, 304, 333; John, 197, 494; Moses, 494; Col. Timothy, 15, 234, 239-40, 249, 252-3, 260-61, 268, 272, 276, 279, 297, 303, 306—petition of, 276.
- Churchill, Janna, 466, 480.
- Claghorn, Eleazer, 467, 480.
- Clark, Hon. Abraham, of N. J., 245, 247-249, 256; Capt., 167, 207; Capt. Elisha, 177; Elisha, 58, 159, 216; Gen. Isaac, 52, 55, 61, 63, 70, 130, 148-9, 151, 157, 212, 214, 332, 350, 368-370, 409; John, 495-6; Jonas, 27, 61; Joseph, 372; Lemuel, 162; Lois, 50; Maj., 207; Clark, Mr., of N. Y., 430; Nathan, 497; Ozias, 177; Rev. Thomas, 448.
- Clarke, William, 494-496.
- Classes, heads, of 6.
- Clay, James, 233.
- Cleveland, Capt. 207.
- Clinton, Gov. George, 28, 102, 137, 231, 233-239, 240, 245-6, 248, 251-253, 268, 273-4, 277, 279-80, 287, 289-291, 294, 297, 304, 307, 318-320, 323-4, 379, 440, 447, 454.—*Letters of*, in 1782: to committee of Cumberland [Windham] county, 232; to Joel Bigelow, 235; to Yorkers in Windham county, 236; to Jonathan Hunt of Vernon, and also to a convention, 237; to Alexander Hamilton, 252.—In 1783: to Col. Timothy Church, 279; to Prest. Weare of N. H., 287; to N. Y. Delegates in Congress, 279; to Alexander Hamilton, 289.—Objections of, to the act of New York appointing Commissioners to settle the controversy with Vt., 454-456.—A claimant to land in Vermont, under New York patents, 137-8.—Land granted to, by Vermont, 513.
- Clinton, Sir Henry, 294.
- Clossen, John, 18.
- Clymer, Hon. George, of Pa., 245, 256.
- Cobb, Capt., 207; Elkanah, 126, 134; Cobb vs Loomis, 134.
- Cochran, Lieut. Col. Robert, 318, 502.
- Cockburn, William, 448.
- Coffee, John, 372.
- Cogswell, Gen. Eli, 121, 414, 508; Maj. Thomas, 180.
- Coinage, Vermont, 73, 94, 112, 383-4. *Fac simile* of various coins, facing p. 383.
- Coit, William, 163, 177, 180.

- Coleman, Joseph, 7.
 Columbia college, N. Y., 421.
 Commercial intercourse, negotiations and action on, 17, 47-8, 60, 61, 63, 113, 118, 183, 395-407.
 Commissary General, 6, 7, 73, 304-5, 307.
 Commissioners, *of New York*, to settle the controversy between New York and Vermont, 449, 453.—Act of, 459.—*Of Vermont*, for the same purpose, 450; report of, 460; commissioners to Congress, 1791, 344; report of, 487.
 Commissioners, Land, in Vermont, 178, 193, 202, 342; and on Surveyor General's accounts, reports of, 202, 512.
 Committees of Congress, reports of: on Vermont affairs, 246, 276; as to arms and troops for New York, 324, 325; for the admission of Vermont into the Union, 326, 486.—Propositions in: on admission of new States into the Union, 337-339.
 Common law of England adopted, 134.
 Compensation of Agents to Congress, 244; of the Governor, 12, 91, 117, 156, 178, 197, 217; of State Treasurer, 156, 178, 197, 217.
 Condit, Hon. Silas, of N. J., 248.
 Cone, Joshua, 64.
 Conflicting titles to lands, and measures of relief, 341-356.
 Congress, action of adverse to Vermont in Dec. 1782, and related documents, 231-265; proceedings of on Vermont, Feb. 4 to May 26 1783, 273-277; May 13 to May 29 1784, and related documents, 315-329; report of committee of favorable to Vermont, May 29 1784, 325-6; obstacles in to the admission of new States, 337-340; acts of admitting Vermont into the Union, &c., 486-489.
 Congressional districts in Vermont in 1791, 229, 485.
 Connecticut, 1, 245, 262, 273, 288, 321, 338, 345, 421-2, 439, 486; aid from, to Vermont, 293, 506.
 Connecticut Courant, 382; Gazette, 76; river, 256, 259, 284, 286, 294, 327-8, 408, 420.
 Constitution, U. S., ratified by Vermont, 218, 464-482.
 Constitution of Vermont revised, 110; established, 133.
 Continental money, scale of depreciation, 122.
 Convention, State constitutional, of 1786, 110.—To ratify U. S. Constitution, Jan. 1791, proceedings and debates of, 466-482; acts of, 480; resolutions of, 481.
 Convention of committees of Bradford and neighboring towns, at Thetford, May 1782, resolutions and memorial of, &c., 281-284.
 Convention at Cornish, N. H., Dec. 9 1778, proceedings of in full, 499-501; at Rutland, Aug. 15 1786, noticed, 361; at Middletown, Sept. 1786, noticed, 362; at Wells, in 1784, noticed, 358.
 Converse, Israel, 190-91.
 Cook, Jesse, 66, 122, 126, 132, 148, 204, 362, 370-372.
 Cooke, Hon. Joseph Platt, of Conn., 338.
 Cooley, Col. Benjamin, 221, 363, 368-370; Gideon, 147.
 Cooper, Abel, 350.
 Copelin, Capt. 506.
 Cornall, Rev. Joseph, 177.
 Cornwallis, Lord, 275, 419, 508.
 Correspondence of Commissioners of New York and Vermont, in 1790, 451-458.
 Cothren, William, 502.
 Cottle, Jabez, 244, 350.
 Council of Censors, 5, 56, 62, 64-5, 67, 81-83, 85, 91, 109-10, 359, 399.
 Counties in 1787, 128.
 County officers, mode of appointing, 211.
 Court, Superior, judges of, 4, 57, 84, 106, 146; supreme, 213.
 Cowen, Ephraim, 53, 138.
 Cows, Gideon, 95.
 Cowles, Timothy, 71.
 Cox, Benjamin, 56.
 Cozine, John, 448, 513.
 Credentials of first Agents of Vermont at Congress, 499.
 Crevecoeur, St. John de, 125, 142, 385-389, 391, 505.—*Letters of*, to Ethan Allen, in 1785, 386-392.—*Children of*: America Francis, [or Frances,] Philip Lewis, and Wm. Alexander, 387, 389, 391-2.
 Crippen, Samuel, 17.
 Cromwell, Oliver, of England, 508.

- Cropping, as a punishment, 131-2.
 Cruger, Nicholas, 448.
 Culver, Daniel, 350.
 Currier, David, 209.
 Curtis, Hon. Abel, 9, 19, 20, 21, 24, 26, 32, 243-4, 267-269, 282-284, 420--obituary, 24; Amos, 244; Ebenezer, 21, 64, 267, 298; Elias, 467, 486; Elijah, 41, 306, 310; Israel, 87; Samuel, 334; Zachariah, 12.
 Cutler, Benoni, 73, 192; Thomas, 28.
 Daggett, Joseph, 97.
 Dakins, Preserved, 221.
 Daniels, Nathan, 221, 369, 466, 480.
 Darlington, Dr. William, 386.
 Dartmouth College and Moore's Charity School, 70, 72, 77, 85, 87-89, 106-108, 168, 180.
 Davidson, James, 319.
 Davis, Benjamin, 70, 222; E., 112; John, 494.
 Davison, Dan, 372.
 Day, Doct. Elkanah, 7, 150, 237; Luke, 131, 375-377, 380.
 Dayton, Caleb, 170.
 Deal, Bastian, 5.
 Deane, Perez, 189.
 D'Anville, 388.
 Debenture of Council, 165, 181, 183, 202, 204, 229.
 Declaration of the attachment of Vermont to the country, in 1783, 16, 20, 269-271.
 Deerfield river, 217.
 Defamation of magistrates, act to punish, 139.
 Delano, Capt., 18.
 Delaware, 245-247, 250, 338, 414.
 Deming, Penuel, 87.
 Depreciation of continental currency, 122.
 Dewey, Capt. Elijah, 43, 106, 118-19, 122-127, 134-5, 146-149, 151, 154, 166, 168, 171, 173-4, 362, 364, 370-71, 376; Paul, 505.
 DeWitt, Hon. Simeon, of N. Y., 321, 324, 448-9, 451-453, 459-60, 462.
 Dickenson, Elias, 122.
 Dimmick, Abel, 494-5; Daniel, 495.
 Dorchester, Lord,—see *Carleton, Sir Guy*.
 Douglass, Martha, 79; William, 79, 180.
 Drunkenness, penalties for, 120.
 Drury, Ebenezer, 244, 267, 343, 369.
 Duane, Hon. James, of N. Y., 245-247, 315-317, 319-321, 323, 462.
 Dudley, John, 287.
 Duer, Hon. William, of N. Y., 448.
 Duncan, George, 180; Jason, 466, 480.
 Dunham, Gideon, 379-80.
 Dunklee, Jonathan, 333.
 Durkee, Heman, 467, 481.
 Dutchman's Point, 48, 395-6.
 Dutton, Salmon, 191.
 Duycking, Gerard, 448.
 Dyer, Hon. Eliphalet, of Conn., 245, 262.
 Eager, George, 16.
 Earl, Newhall, 333.
 East Bay, 419, 459.
 Easton, John, 225.
 Eden, Mr., 15.
 Edgerton, Asa, 350; Capt. Daniel, 79; Simeon, 244.
 Edson, Josiah, 467, 480.
 Edwards, Rev. Dr. Jonathan, 156; Hon. Pierrepont, of Conn., 444; Pierpoint, [probably Pierrepont,] 154.
 Elderkin, Jedediah, 135.
 Elderkin & Wales, 507.
 Election day ceremonies, 3, 23, 52, 65, 105, 167, 179, 185, 207, 211-12.
 Election sermon, preachers of, 3, 23, 52, 78, 105, 146, 162, 167, 185, 207.
 Elkins, Jonathan, 150.
 Elmer, Hon. Jona., of N. J., 248.
 Ellery, Hon. William, of R. I., 321, 326, 338.
 Elliot, Eliza, 89; and Elizabeth, 111, 113; Joseph, 334; Samuel, jr., of Boston, 89.
 Ellison, Thomas, 448.
 Ellsworth, Hon. Oliver, of Conn., 278, 486.
 Ely, Samuel, 261, 312.
 Embargo, 181-183.
 Emerson, Enoch, 467, 481.
 Emmons, Hon. Benjamin, 1, 3, 10, 23-4, 39, 41, 50, 52-3, 56, 66-68, 70, 71, 73, 76, 78, 80, 87, 98-9, 101, 105-6, 111, 118, 122-124, 138, 147, 149, 154, 347, 362, 372, 466, 472-3, 478, 480.—*Remarks of, on the Federal Constitution*, 472, 478.
 England, 385-6, 388, 408-9, 411, 417, 421, 508.
 Enos, Gen. Roger, 6, 16, 51, 65, 129, 130, 243, 266-7, 307, 350.—*Newly*

- discovered evidence on his conduct in Arnold's expedition to Quebec in 1775, 505-6.
- Erwin, Capt. 212.
- Evans, Maj. Henry, 234, 239-242, 246, 249, 252-254, 260, 266, 303-4, 306, 334.—Affidavit of, 242.
- Everest, Zadock, 80, 91, 97-8, 190.
- Farmer, an American, letters from referred to, 385, 389.
- Farmers' Library, [newspaper printed at Fairhaven.] 27.
- Farnsworth, Gen. Joseph, 42, 46, 107, 304-5, 307-8.
- Farrand, Daniel, 467, 472, 477, 481.
- Fasset, Amos, 79, 91, 97; Benj., 56.
- Fasset, Hon. John, jr., 1, 3, 4, 11, 13, 14, 23-25, 27-8, 31-33, 35, 38, 42-3, 50, 52-3, 55-57, 75-6, 78-9, 81, 83-4, 90, 101, 110, 117-18, 121-128, 130-132, 134, 145, 149, 151, 154, 156, 160-163, 165-173, 175-177, 181-185, 188-202, 205, 207, 218-226, 229, 376-7, 381, 467, 480, 504, 510, 513.
- Fasset, Jonathan, of Arlington, 244; Jona., of Pittsford, 229, 368-372.
- Fay, Benjamin, 141; David, 47, 215; Jeddiah, 88.
- Fay, Dr. Jonas, 1, 3, 4, 8, 10, 11, 13-15, 17, 19, 23, 24, 32-3, 35, 37, 42, 50, 52-3, 63, 70-72, 213, 243, 256, 269-70, 328, 343, 346, 398-9, 420, 497, 499.—*Letter of*, to Joseph Fay, Oct. 16, 1784, 54, 510.
- Fay, Maj. Joseph, 1, 4, 15, 23, 25, 47, 50, 53, 63, 100, 101, 105, 111-113, 116-118, 120-126, 128, 130, 132, 134-136, 138-146, 148-156, 159-163, 166-173, 175-186, 188-216, 218-226, 229, 266, 376-7, 398-9, 419, 434, 504.—*Letter of*, to William Brush, 128.
- Fay, Nathan, 49, 311; widow Sarah, 141; Stephen, 44, 497.
- Fellows, John, 505.
- Ferrel, Simeon, 28, 334.
- Ferris, Peter, 372.
- Finney, Nathan, 350.
- Fish, Hon. Hamilton, 514; Nathan, 233.
- Fisk, Nathan, 180; Nathaniel, 111; Sylvanus, 306.
- Fitch, William, 110, 225.
- Fletcher, Asaph, 191, 466, 480.
- Fletcher, Gen. Samuel, 1, 3, 5, 6, 8, 10, 13, 16, 17, 19, 23-25, 27, 32, 36-7, 39, 46, 50, 52-3, 55-6, 67-8, 70-72, 74, 76, 78, 80, 85, 89, 91-93, 95, 101, 105-109, 111, 113, 117-18, 120-21, 123-132, 134-136, 138-140, 145-6, 166-173, 175-6, 181, 184-186, 188-193, 196-202, 228, 244, 267, 298, 302, 305, 309, 311-12, 314, 333, 377.
- Floyd, Hon. William, of N. Y., 251.—*Letters of*: to Gov. Clinton, in 1782-3, 251, 289.
- Flynn, Michael, 71, 350, 466, 480.
- Folsom, Gen. Nathaniel, 420.
- Foot, Elijah, 138; George, 15; Stilman, 195, 224, 227.
- Ford, Jacob, of N. Y., 316-17, 319.
- Forgason, John, 467, 480.
- Form of impeachment, 69; of passing laws, act on, 35.
- Fort, at Bethel, 284; Crown Point, 239, 284-5, 320, 493, 502; Niagara, and Oswego, 325; Miller, 285; Schuyler, 320; Ticonderoga, 54, 320, 418-19, 434, 498, 502; Vengeance, 284.
- Fosburgh, [or Forsbury,] Peter, 5.
- Foster, Rev. Dan., 185; Ephraim, 150; Joseph, 67, 88, 111.
- Four Brothers, 457, 459.
- Fox, Charles James, of England, 416.
- France, 77, 277, 385, 388, 390, 391, 415, 419.
- Franklin, [now Tennessee,] 337.
- Franklin, Dr. Benjamin, 398, 493; John, 448.
- Freeholders, right of suffrage to, 134.
- Freeman, Mrs. 492; Moody, 244; Phinehas, 119, 147, 149, 151, 153-4, 171, 190, 275, 371, 375, 510-11.
- French, Jeremiah, 55; Thomas, 10.
- Frink, Doct. Thomas, 69, 274.
- Gain, Hugh, 448.
- Gallup, Oliver, 210, 466, 480; William, 350.
- Galusha, Capt., 378; Elijah, 134; Jacob, 15, 134; Gov. Jonas, 47, 117-118, 120-121, 123-126, 128, 130, 132, 134-136, 138-142, 379, 417.
- Gambling, penalties for, 120.
- Gansevoort, Gen. Peter, jr., 419-20.
- Gardner, Hon. Joseph, of Pa., 338; Benjamin, 350, 371.
- Gates, Elijah, 55, 350; Samuel, 467, 481.
- Geer, Abel, 82.
- Georgia, 245.

- Gervais, Hon. John Lewis, of S. C., 245.
- Gerry, Hon. Elbridge, of Mass., 293, 324, 338.
- Gilbert, Daniel, 244, 467, 480.
- Gilchrist, James, 26.
- Gilkey, William, 350.
- Gilman, Marcus D., 514; Hon. John Taylor, of N. H., 245, 250, 273, 288, —*letters of*: to Prest. Weare, in 1782-3, 287-8.
- Gilmore, 362.
- Gilson, Capt. Micah, 74; Michael, 233.
- Glover, Gen. John, 180.
- Goff, David, 4, 15.
- Goodenough, Artemas, 334; David, 311; Ithamar, 333.
- Goodrich, Silas, 119, 121-2, 132, 135, 370-71, 375; Maj. William, 107, 110, 124, 126, 135, 152.
- Goodwin, Jonathan, 68; Capt. W. F., 281.
- Gordon, Alexander, 58, 91, 97.
- Gorham, Hon. Nathaniel, of Mass., 273, 276.
- Gould, Doct. William, 44.
- Gove, Nathaniel, 229.
- Governor, election of, in Grand Committee, 186; compensation of, see *Compensation*.
- Governor and Council, record of, Oct. 1782 to Oct. 1783, 1-22; 1783-4, 23-49; 1784-5, 50-75; 1785-6, 76-100; 1786-7, 101-144; 1787-8, 145-165; 1788-9, 166-183; 1789-90, 184-204; 1790 to Jan. 27, 1791, 205-229.—*Remonstrance of*, to Congress, Jan. 10, 1783, 254-262.
- Graham, Andrew, 72, 74, 91, 401; Elizabeth, 448; John A., 416; Mr., 494.
- Grant, Capt. John, 169.
- Gray, Capt., 167; John, 123, 171.
- Great Britain, 399, 400, 402-3, 407, 412, 417, 426, 435-6.
- Greece, ancient, 470.
- Gregg, Thomas, 448.
- Green, Doct. Barius, 210; Beriah, 61, 372.
- Greene, Doct. Benjamin, 466-7, 477, 480—*remarks of*, on the Federal Constitution, 477; Col. Christopher, of R. I., 505-6.
- Griffin, Col., 420; John, 109.
- Griswold, Andrew, 181.
- Groom, Francis, 448.
- Grout, Jonathan, 155; Hilkiab, 233.
- Grow, Samuel, 64.
- Guild, 38.
- Haight, William, 188.
- Hallett, Joseph, 448.
- Haldimand, Gen. Frederick, negotiations with Vermont, &c., referred to, 2, 6, 49, 53, 102, 294, 329-30, 396, 407-8, 411, 423, 434, 507.
- Hale, James, 350.
- Hall, Benjamin H., 245, 311, 366; Gov. Hiland, 103-4, 240, 245, 276, 317-18, 375, 451, 514; Hiland, of Cornwall, 71, 91, 97, 116, 119, 121-2, 124, 128, 362, 372; Lot, 23, 189, 196.
- Hamilton, Hon. Alexander, of N. Y., 247, 249, 251-2, 262, 278-9, 289-291, 319-20, 422-424, 438-9, 441-443, 445-447, 460.—*Letters of*: to Gov. Clinton, in 1782-3, 251, 288, 290-91, 319; to Nathaniel Chipman, in 1788, 442, 445.—*Speeches of*: in favor of Vermont, in 1787, 423; in reply to Richard Harrison, 430.
- Hamilton, Alexander L., 448; Joel, 181-183; John C., 278, 289, 422-3; Col. Henry, Lieut. Gov. of the Province of Quebec, 398; Silas, 91, 244.
- Hammond, Thomas, 466, 480.
- Hampshire county, Mass., 261, 304, 333, 377.
- Hanchett, Capt. Oliver, of Conn., 505.
- Hancock, Gov. John, 53, 146, 311-314, 330, 378-9.—*Proclamation of*, in 1784, on insurrection in Windham county, 313.
- Hand, Gen. Edward, of Pa., 324.
- Hannah, Hugh, 504.
- Hard, Abraham, and Stephen, 74.
- Hardy, Hon. Samuel, of Va., 321, 326, 338.
- Harmon, Capt., 167; Reuben, jr., 70, 73, 94, 111-12, 308, 383.
- Harrington, W. C., 467, 480.
- Harris, Edward, 24, 308, 381.
- Harrison, Hon. Richard, of N. Y., 423, 424, 429-30, 444.—*speech of*, against Vermont, in 1787, 424; Harrison, Samuel, 466, 480, 508; Gen. Thomas, of England, 508.
- Harvard College, 76.
- Harvey, Alexander, 148, 150, 155, 162, 170-71, 180, 362, 372, 467, 481.

- Harwood, Eleazer, 350; John, 119, 130, 147.
 Haswell, Anthony, 27, 45, 392.
 Haswell & Russell, 9, 27, 45, 143-4, 160, 331.
 Hatch, Joseph, 210.
 Hathaway, Silas, 223, 467, 481; Sim-eon, 497.
 Hawkins, Hon. Benjamin, of N. C., 486; John, 58, 87, 349-50.
 Hawley, Abel, jr., 133; Capt. Eli-sha, 185; Jehiel, 132.
 Hay, John, of Canada, 396.
 Hays, Rutherford, 303.
 Hazeltine, Col. John, 494.
 Hazen, Joshua, 148, 170, 244, 283, 350; Rev. H. A., 499, 500, 514; Gen. Moses, 63, 65.
 Heads of classes, 5.
 Heald, Daniel, 198, 350, 372, 466, 481; David, 170, 172.
 Heath, Solomon, 283.
 Hemsley, Hon. William, of Md., 245.
 Hendee, Caleb, 55.
 Henry, Benjamin, 29, 75, 466, 480.
 Henshaw, Benjamin, 108.
 Herrick, Col. Samuel, 419.
 Hibberd, Timothy, 269.
 Hickey, W., 337.
 Hickok, Justus, 121.
 Hickox, John H., 333.
 Hicoek, Asa, 244; David, 372.
 Hicks, Charlotte, 448.
 Higley, Brewster, 85, 124 [printed Higby,] 371, 513.
 Hill, Abner, 49; Daniel, 112; John, 5.
 Hindman, Hon. Wm., of Md., 338.
 Hinds, David, 139.
 Hinman, Timothy, 228.
 Hitchcock, Lyman, 43; Capt., 167; Hon. Samuel, 186-188, 191-2, 217, 219, 223, 464, 467, 476, 481.
 Hobart, Hon. John Sloss, of N. Y., 454.
 Hodges, Nathan, 343.
 Hoisington, Isaac, 20; Col. Joab, 18; J., 18.
 Holbrook, 132, 154; Samuel, 492-3.
 Holcomb, Benjamin, 467, 480.
 Holmes, Ozemas, 69.
 Holt, Benjamin, 55, 170.
 Holton, Jonathan, 172.
 Homes, Henry A., 514.
 Hooker, Capt., 207.
 Hoosick river, 124.
 Hopkins, Frederick, 89; Dr. Lem-uel, 390; Mindwell, 56; Nehe-miah, 122, 213; Nehemiah, jr., 368, 370; Doct. Roswell, 17, 23, 46, 68-9, 82, 120, 161, 169, 180, 182, 186, 188, 203, 216, 219, 224, 269-70, 276, 449, 467, 481-2, 512; Maj. Wait, 56.
 Hopkinson, David, 467, 480.
 Horton, Gideon, 71, 369.
 Hosford, Joseph, 68.
 Hough, George, 26, 151, 161.
 Hough & Spooner, 26-7, 30, 39, 85, 114, 142, 144, 150-51, 153, 160-61.
 Houghton, Edward, and Lucretia, 86; John, 303; William, 266.
 House of Representatives, Ver-mont, extracts from the journals of, 3, 5, 6, 7, 9, 20, 23-4, 26-29, 40, 44, 51-2, 64-5, 82, 105, 110, 115, 130, 146, 148, 156-7, 178, 186-7, 189-90, 197, 201-2, 210, 217, 219, 242-44, 266, 272, 297-299, 301, 307-312, 330, 332, 334, 347, 349-50, 362, 370-373, 375-377, 384-5, 395-98, 400, 447, 449, 460-61, 464.
 Howard, Jonathan, 275.
 Howe, Lieut. 494; Samuel, 350.
 Howell, Hon. David, of R. I., 245-7, 249-50, 307.
 Hubbard, Ephraim, 274; George, 37; Joseph, 170, 372; Watts, 86.
 Hudson, Aaron, 372.
 Hudson river, 239, 256, 260, 327-8, 413, 422.
 Hunt, Gen. Arad, 12, 102, 192, 210, 228, 244, 384; Lieut. Gov. Jona-than, of Vernon, 12, 32, 64, 101, 105, 117-121, 123-128, 130-141, 145-154, 156, 159-163, 165-167, 170-173, 175-6, 178, 181, 184-186, 188-205, 207, 218-226, 229, 234, 237, 303, 375, 377, 466, 480, 510-11—notes on, 101, 110-11; Hon. Jona. of Brat-tleborough, 102; Samuel, 197; Gov. Washington, of N. Y., 103.
 Huntington, Hon. Benja., of Conn., 245.
 Hurd, Elisha, 123; Hester, and Si-lence, 502.
 Hurlbut, Desire, 502.
 Hutchinson, Gov. Thomas, of Mass., 490-492.
 Hyde, Adjtt., of Mass., 506; David, 115; Eliphalet, 91; Mary, and Timothy, 86.
 Ide, Ichabod, 200.
 Impeachments, 37, 62, 68-9, 71-73,

- 75, 81-84, 89, 92-3, 95, 112.—Form of, 69.
- Indians, Muhheakunnuck, [Stock-bridge,] 180, 200; Oneida, 385.
- Inimical persons excluded from the State, 29.
- Instructions to Committee of Trust on land east of Corinth, 97, 100; to New Jersey Delegates in Congress, 248; to N. Y. Delegates in Congress, 316-17, 320; to Vermont Agents at Congress, 174, 219, 293, 447.
- Insurrection in Rutland county, 122, 142, 159, 177, 361-373, 514; in Windham county, 17-19, 32, 46, 85, 124, 244, 267, 297-8, 302-315; in Windsor county, 139, 160; Shays's, 119, 125-128, 131, 146, 357-380.
- Intercourse, commercial, action and negotiations on,—see *Commercial Intercourse*.
- Invasion of Canada in 1775. [Arnold's,] extracts from Thayer's journal, and Stone's introduction, 505-6.
- Ireland, 413.
- Iroquois river, [alias Sorel, and Richelieu,] 412.
- Isle Aux Noix, 419.
- Izard, Hon. Ralph, of S. C., 245.
- Jackson, Abraham, 135; Asahel, 466, 481.
- Jacob, Hon. Stephen, 64, 71, 161, 167, 169, 174, 191, 366, 450-451, 489.
- Jay, Hon. John, of N. Y., 225, 291, 294, 400, 402, 421, 439, 443, 447-8, 513.—*Memorials of*, and others, to N. Y. Legislature, 421, 447.
- Jefferson, President Thomas, to M. de Meusnier, in 1786, 340; to Gov. Chittenden, 1791, 487.
- Jenks, Thomas, 139.
- Jenner, Doct. Edward, 129.
- Jessup, Maj. Edward, 408.
- Jewet, Daniel, 372, 466, 480.
- Jewett, Thomas, 122-3, 147, 188, 466, 480.
- Johnson, Capt., 207; John, of N. Y., 448; Lieut. Moses, 196; Samuel, 151; Col. Thomas, 106, 111, 149, 153, 155, 167, 171, 191-2, 284-286, 364—*letters of*, to Gen. Washington, in 1782, 285; Hon. William Samuel, 156-7, 422, 443-4—*letters of*, to Gov. Chittenden, 421, 444.
- Johnston, Colonels Charles and Robert, 507.
- Jones, Hon. Joseph, of Va., 262—*letter of*, to Gen. Washington, 234; Doct. Reuben, 343-4, 449; Samuel, 460; Samuel W., 462.
- Judah, Benjamin, 448.
- Judevine, Joseph, 448.
- Judges of Rutland Co. court, answer to the insurrectionists, 367; assistant, of Sup. court, rank of, 269-70.—See *Court*
- Judiciary independent of the legislature, 227.
- Kathan, Alexander, 244; Daniel, 233.
- Kean, Hon. John, of S. C., [printed McKean,] 388.
- Kelly, John, 118, 133, 137-8, 180, 203-4, 225, 228, 400-01, 421, 443-445, 448, 513.—*Letter of*, to Gov. Chittenden, in 1788, 443.
- Kemble, Peter, 448, 513.
- Kempe, John Tabor, 292.
- Kent, Jacob, 283.
- Kentucky, 337, 439-40, 442, 445, 482, 486.
- Keyes, Col., 167, 179; Stephen, 489.
- Kimball, Joseph, 80, 168, 171, 173.
- King Charles the second, 435; George the second, 497; George the third, 274, 398; Louis the sixteenth, 388; Richard the first, 103.
- King, Hon. Rufus, of N. Y., 448-9, 451, 486.
- Kingsbury, Dan'l, 467; Stephen, 179.
- Kittredge, Jonathan, 274.
- Knapp, Ebenezer, 333.
- Knickerbacor, John, 99, 143, 188.
- Knight, Lieut. Elijah, 43, 306, 311, 314; Joel, 306; Samuel, 42-3, 51, 62, 67, 72, 79, 81, 83, 85-6, 146, 151, 180, 185, 187, 190-91, 213, 303, 309, 333, 346-7, 349-50, 398.
- Knoulton, Calvin, 466, 480; Hon. Luke, 22, 58, 61, 70, 72, 81, 83, 85, 87, 91, 96, 105-6, 108, 151, 154, 157, 167, 171, 175, 180, 184-5, 189, 191-2, 194-205, 207, 209-10, 212-216, 218-220, 222-226, 229, 247, 302, 306-7, 333, 347, 349, 351, 362, 366, 372, 384.
- Knox, Maj. Gen. Henry, 320, 325.
- Lake George, 419; Champlain, see *Champlain, lake*; Memphremagog, 135, 174; Shalloon, [supposed Schroon,] 318.

- Lamb, David, 89, 239-40, 266, 513.
 --Affidavit of, 240.
 Lammon, William, 113, 192.
 Land, conflicting titles to, and relief measures, 341-356; titles, trials of prohibited, 341, and prohibition removed, 345.
 Land Commissioners—see *Commissioners, Land*.
 Landon, Samuel, 448.
 Lane, Jedediah, 372; Samuel, 118-19, 123, 372, 375.
 Langdon, Hon. John, of N. H., 486.
 Lansing, Hon. John, jr., of N. Y., 448-9, 451, 453, 459-60, 462.
 Lathrop, Rev. Dr. Joseph, 77; Samuel, 466, 480.
 Law, Hon. Richard, of Conn., 245, 256.
 Lawrence, Bigelow, 267; John, 448; Mary, 193; Lieut. Nathaniel, 47; Stephen, 43, 91, 97, 193.
 Laws, form of passing, 35.
 Leach, Elisha, 115.
 Leake, John, 448.
 Leavens, Charles, 55.
 Leavenworth, Jesse, 98, 111, 113-14, 159, 162, 188-9, 503-4; Mark, 150.
 Lee, Hon. Arthur, of Va., 273, 276, 278; David, jr., 21; Col. Noah, 55, 71, 217, 350, 368, 466, 480; Col. Thomas, 367-8; William, 274.
 Legislature as a court of equity, 40, 57, 59, 85-87, 92.
 Leight, Mrs., 448.
 Leonard, Jacob, 448; Nathan, 40.
 Letter from a citizen of New York, urging Vermont to settle the controversy, 465; from Halifax, 399.
 Lewis, James, 11; Peter, 222.
 L'Houmedieu, Hon. Ezra, of N. Y., 245, 247.
 License law of 1787, 141.
 Lincoln, Gen. Benjamin, 125, 375-6, 419.
 Lindsay, John, 448.
 Lindsey, Jacob, 111.
 Little, Moses, 153.
 Livermore, Hon. Samuel, of N. H., 245, 256.
 Livingston, Hon. Brockholst, of N. Y., to Micah Townshend, 331; Mrs. Margaret, 448; Hon. Robert R., of N. Y., 448-9, 451, 453-4.
 Lobdell, Darius, 350.
 Lock, Josiah, 244.
 Locke, John, 428.
 Lloyd, Thomas P., 372.
 Long, Hon. Pierse, of N. H., 338.
 Long Island, 433.
 Lovell, Elijah, 466, 480; John, 22; Nehemiah, 26, 244, 267, 298; Timothy, 171; Oliver, 22, 266-7, 272, 275, 350—affidavit of, 275.
 Loomis, Cobb vs., 134; Hon. Beriah, 24, 67, 87, 91, 147-149, 168, 171, 192, 267, 309, 349-351, 467, 476, 478, 481—*remarks of*, on the Federal Constitution, 476, 478.
 Lossing's Field Book of the Revolution, 505.
 Lotteries, 27, 80, 121, 124, 169, 173, 191, 198, 217.
 Lull, Capt., 366.
 Lutterloh, Col. Henry E., 180.
 Lyman, Geo., 514; Rev. Gershom C., 3; Isaac, 466, 480; Joel, and Joel, jr., 213; Phinehas, 58.
 Lynde, Hon. Cornelius, 108, 147-149, 467.
 Lyon, Hon. Matthew, 6, 27, 35, 40, 51, 81-84, 92-3, 169-70, 182, 219, 243-4, 266-268, 308-9, 311-12, 332, 343-4, 346-7, 372-3, 381, 397, 409, 415, 503.
 McAdam, Ann, 448.
 McClallan, Hugh, 308.
 McCobb, Capt., of Georgetown, D. C., 506.
 McConnell, Jonathan, 467, 480.
 McCormick, Daniel, 448.
 McKeen, Hon. Thomas, of Del., 245, 247, 249-50.
 McKeen, Rev. Dr. Silas, 507-8, 514.
 McKenzie, Ned, 448.
 McKesson, John, 513.
 McNeile, John, 166, 171, 467, 480.
 Madison, President James, of Va., 245-247, 249-251, 262, 278, 438.—*Extracts from his writings*, 246-9, 262, 438.
 Maine, 337.
 Maltbee, Jona., 79.
 Manley, Nathan, 372.
 Mather, Wm., 495.
 Marsh, Amos, 225; Hon. Charles, 170; Daniel, 75, 91, 149, 160, 347, 350-51, 371, 394; Elisha, 372; Col. Isaac, 200; James, 13; Col. Joel, 21, 83, 91, 94, 122, 171; John, 466, 480; Lieut. Gov. Joseph, 64, 101, 120-21, 123-128, 130-132, 134-6, 145-6, 149-155, 166-7, 184-5, 187-8, 191-

- 194, 198, 200, 202, 205, 283, 377, 501
—*address of*, to the freemen of Vermont, 205; Col. William, 4, 55, 63, 66.
- Martin, James, 37.
- Marvin, Benjamin, 227, 396; Hon. Ebenezer, 64, 98, 106, 116, 119, 121, 123, 125-6, 133, 147-8, 150, 153, 157, 166, 168, 170, 174, 186, 189-191, 222, 298, 367, 371, 377, 385, 461, 510; Elihu, 135.
- Maryland, 245, 246-7, 250, 273, 276, 338, 414.
- Mason, John, of N. Y., 448.
- Massachusetts, 118, 146, 245-6, 250, 273, 276, 279, 294, 304-306, 311-14, 327-8, 337-8, 340, 359, 375, 377-9, 439, 490-496, 504.—Aid to, by Vermont, in Shay's rebellion, 375-380.
- Massachusetts Spy, 382.
- Matterson. [Mattison,] Thomas, 15; Susannah, 214, 216.
- Mattocks, Gov. John, and William, 78; Hon. Samuel, 21, 24, 40, 54, 56-58, 61, 70, 76, 78-9, 98, 101, 105-6, 110, 115, 117, 129, 144, 146, 158, 167, 170, 180, 185, 196, 202, 207, 217, 221, 223, 229, 244, 267, 346, 350, 367, 504.
- Mead, Col. James, and Silas, 369.
- Melendy, Samuel, 333.
- Mellen, Richard, 494.
- Memorial of Newbury and adjacent towns for annexation to New Hampshire, 282.
- Mercer, Hon. John Francis, of Va., 276, 278, 324.
- Merriman, Abel, 244, 371.
- Merritt, Michael, 63; Nathaniel N., 494.
- Messer, Samuel, 95.
- Meusnier, M. de, 340.
- Michigan, 103.
- Michilimackinac, 400.
- Military matters, 6, 7, 16, 20, 21, 25, 32, 37-8, 44, 46, 57, 130, 169, 173-4, 193, 209, 216, 228-9, 267-8, 308, 312.
- Miller, Isaac, 495; Isaac, jr., 107; Samuel, 467, 480; Thomas, 132; William, 107.
- Mirick, John, 73.
- Missisquoi bay, 260, 327.
- Mitchell, Mr., 443.
- Mohawk river, 239.
- Monroe, Prest. James, 325-6, 486.
- Montgomery, Hon. John, of Pa., 245.
- Moore, Raymond *vs.*, 194; Henry, 95-97, 99, 100, 192, 194; Samuel, 99, 163.
- Moore's Charity School, see *Dartmouth College*.
- Morey, Gen. Israel, 130, 167, 185, 187, 189-90, 193, 501.
- Morrill, Abraham, 467, 481.
- Morris, Hon. Gouverneur, of N. Y., 291-295, 315—*letters of*, to Gov. Clinton, 291—to John Jay and Gov. Clinton, 294—extracts from *Life and Writings of*, 292-294; Hon. Lewis R., 222, 227, 334, 441, 461, 487, 489—*letter of*, to Gov. Chittenden, 487; Hon. Robert, of Pa., 292.
- Morrison, Robert, 366.
- Morse, Anthony, 350.
- Moseley, Abishai, Col. Increase, John, Prince, and Triphena, 273; Hon. Increase, 20, 64, 244, 272-3, 275, 367—note on, 272.
- Mott, John, 371.
- Moulton, Reuben, 244.
- Mount Defiance, 419; Independence, 85, 419.
- Muhlenburgh, Hon. Fredk. A., of Pa., 488-9.
- Mulligan, Hercules, 448.
- Munson, Loveland, 514; Thaddeus, 179.
- Murdock, Hon. Thomas, 21, 45, 50, 52, 54, 65-68, 70-72, 76, 78-9, 85, 89, 98-9, 101, 105, 107-109, 117-18, 120-128, 130-136, 138-9, 145-6, 149-155, 160, 166-7, 169-173, 175-177, 181, 184-5, 192, 244, 267-8, 309-10, 362.
- Mure, Capt., 396.
- Murray, Ebenezer, 244.
- Name "Vermont," 504.
- Nash, Hon. Abner, of N. C., 245.
- Naturalization acts of Vermont, 384-5, 391.
- Neat, William, 448.
- Negotiations on commercial intercourse between Vermont and foreign countries, 395-420.
- Netherlands, 432, 470.
- Nevin, Daniel, 448.
- Newell, Jesse, 32.
- New Jersey, 245-251, 266, 324, 414.—*Instructions of*, as to Vermont, 248.
- New Hampshire, 245-247, 250, 273, 280, 286-7, 294, 325-327, 340, 393,

- 414, 499-501, 504.—Resolutions of, for partition of Vermont, 286-7.
 New Hampshire Gazette, 382.
 New Hampshire Grants, defence of the right of to independence, noticed, 500.
 Newspapers, and State printing, Vermont, 4, 9, 20, 26-7, 153, 209, 212.
 Newton, Mary, 273; Jonas, 86.
 New York, 6, 245-248, 250-51, 262, 277, 280, 286-7, 294, 315, 321, 324-5, 328, 340, 379, 384-5, 414, 439, 497; acts of, appointing commissioners to settle the controversy with Vermont, 448, 453; application of, to Congress, for troops, 277, 320, 322, 325; letter of commissioners of, to Gov. Chittenden, 449; correspondence of commissioners of New York and Vermont, 451, 458; act of N. Y. commissioners, 459; settlement of the controversy between New York and Vermont, 192-194, 212, 217, 422-463.
 New York Daily Advertiser, 430; Gazette, 387; Herald, 291.
 Nichols, George, 28.
 Niles, John, 350; Hon. Nathaniel, 57, 62, 71, 76-81, 83-88, 90, 92, 97, 100, 101, 105-6, 145-147, 150-51, 184, 192, 205, 207, 218-220, 222-227, 229, 334, 347, 349-50, 366, 467, 472, 479, 481—*remarks of*, on Federal Constitution, 479—notice of, 76; Nathaniel, jr., Rev. Samuel, Watson, and William, 77.
 Nixon, Charles, and Elias, 448.
 Noble, Rev. Obadiah, 64, 367.
 Normandy, 385.
 North Carolina, 245-6, 250, 324, 337.
 Norton, John, 7, 75, 244.
 Norwood, Richard, 448.
 Nova Scotia, 435.
 Noyce, John, and Ormas, 66.
 Nutting, Joshua, [or John,] 70, 350.—Note, 350.
 Obituary notices : of Hon. Joseph Bowker, 54; and Hon. Abel Curtis, 24.
 Olcott, 22; Elias, 244; Lieut. Gov. Peter, 1, 3, 4, 16-18, 23-26, 32, 38, 40-42, 50, 52-3, 55, 57, 66-68, 70-72, 76, 78-9, 81, 83-85, 87, 98-9, 101, 105, 107, 111, 117-121, 123-128, 130-132, 134-136, 138-141, 145-6, 148-156, 160, 166-173, 175, 181, 184-186, 188-195, 202, 205-210, 212-215, 218-226, 229, 267, 269, 298, 332, 375, 377, 501.
 Olds, Benjamin, 66, 350.
 Olin, Hon. Gideon, 70, 79, 81, 83, 85-6, 89, 105, 126, 167, 174, 180, 187, 190-91, 203, 208, 219, 308, 347, 350-351, 364, 371, 378, 441, 466, 480, 512—*letters of*, to Gov. Chittenden, in 1789, 187—and to Gov. Robinson, in 1790, 208; Stephen, 177.
 Olive Branch, 411, 414-418.
 Onion river, 4, 118, 285-6, 380, 387-8, 394, 505.
 Onion river Land Company, 502.
 Oracles of Reason, [Ethan Allen's,] 390.
 Orange county, 20, 21, 40, 41, 62, 64, 112, 114, 214-15, 226, 229, 371, 480.
 Ordinances : of the Governor and Council of the Province of Quebec, on trade through Lake Champlain, 403, 405-407; of the Governor and Council of Vermont, for an embargo, in 1789, 182.
 Orleans county, 50.
 Ormsby, Maj. Gideon, 34, 70, 71, 85, 148-9, 189, 244, 268, 298, 308, 310, 350-51.
 Osgood, Abner, 73; Hon. Samuel, of Mass., 278; Samuel, of N. Y., 448.
 Otter creek, 113, 124, 369, 387-8.
 Packer, [or Packard,] Squire, 305.
 Page, Doct. William, 420.
 Paine, Hon. Elijah, of Williams-town, 83, 98, 108, 110-11, 147, 149-151, 154, 157, 171-174, 185-6, 189, 191-2, 199, 219, 223, 229, 334, 415, 450-51, 461; Hon. Ephraim, of N. Y., 321.
 Painter, Hon. Gamaliel, 58, 91, 97, 106, 146-7, 150, 153, 162, 168, 185, 189-191, 372.
 Palmer, Daniel, 466, 480.
 Pannel, John, 233.
 Pardons, acts authorizing Governor and Council to grant, 19, 270.
 Parker, Elijah, 15; William, 46.
 Parkhurst, Maj. Calvin, 122, 125, 129, 177, 185, 189-191, 244, 268, 371-2.
 Parmelee, Alexander, 19; Capt., 94.

- Parsons, Eli, 376-7, 380.
 Partition of Vermont, proposed, 280-291.
 Partridge, Hon. George, of Mass., 321, 324, 326.
 Pasquinades, 358, 450.
 Patterson, Ebenezer, 5; Eleazer, 233; Gen. John, 180.
 Paymaster General, 159.
 Payne, Lieut. Gov. Elisha, of Lebanon, N. H., 99, 344, 420, 501.
 Peabody, Amos, 91.
 Pearl, Col. Stephen, 4, 210, 368-9.
 Pearson, T., 287.
 Peck, Joseph, 334.
 Peirce, Benjamin, 494.
 Penalties: of adultery, &c., 127; counterfeiting, 131, 138; drunkenness, 120; under the license act of 1787, 141; riots, 373; treason, 129.
 Pennock, Peter, 467, 481; Samuel, 170, 174; William, 44.
 Pennsylvania, 245, 248, 250-51, 288, 324, 338, 385, 414, 439.
 Perkins, Benjamin, 467, 481.
 Perry, William, 347, 349-50, 467, 480.
 Peters, Lieut., 506; Rev. Samuel A. and family, 507; Peters's History of Connecticut, Vermont defended in, 508.
 Petitions: of grievance in 1786, 109, 120-21; Col. Timo. Church, 276; sundry citizens of Windham county in 1784, 303; of town of Pittsford in 1786, 362; of other towns referred to, 363.
 Phelps, Charles, Esq., of Marlborough, 29, 30, 39, 40, 59, 132, 231, 233-235, 240, 245-249, 252, 260, 267, 272-3, 275, 279-80, 299, 302-3, 305-6, 309-10, 332-3—*papers of*, 490-498—*passport to*, 30—note on, 332; Charles, of Hadley, Mass., 310, 333, 492; Hon. James H., 490, 492, 494-5, 497-8; Solomon, 496; Col. Timothy, 22, 132, 239-241, 260, 274, 280, 297, 303-306, 316, 495-6.
 Pier, Oliver, 467, 480.
 Pierce, Elisha, 234; Elizabeth, 158; Jonathan, 119-20, 123, 126, 375.
 Pitt, William, Earl of Chatham, 416.
 Point au Fer, 396.
 Policy of Vermont defended, 329.
 Pond, Josiah, 210, 467, 481.
 Population of Vermont in 1791, 224.
 Porter, Rev. Dr. Ebenezer, 2; Eli-sha, 333; Doct. Ezekiel, 368; Hon. Thomas, of Tinmouth, 1-5, 13, 23-26, 32, 39, 41, 45, 50, 52-3, 55-57, 61, 76, 78-9, 84-5, 89, 91-3, 98, 101, 105-7, 109, 111, 131-134, 136, 138-141, 145-6, 161-163, 165-177, 181-186, 188-202, 205-210, 212-215, 218-220, 222-226, 229, 243, 272, 343, 362, 377, 381, 467, 481, 500, 514—notice of, 1; Thomas, of Vershire, 96.
 Portland, Duke of, 411, 416-17.
 Portrait of Gov. Tichenor, facing title-page; notes on portrait and signature, 514.
 Post, Roswell, 368.
 Postmaster-General of Vermont, 45, 154.
 Post-offices and routes established, 34, 45, 141, 199, 392-3.—See *Acts*.
 Potter, Rev. Lyman, 146.
 Poultney river, 459.
 Powell, Felix, 126; Capt. John, 180; Martin, 70, 343, 347, 350, 466, 480; Rowland, 171.
 Powers, Asahel, 69; Rev. Grant, 285.
 Preachers of Election Sermons.—See *Election Sermons*.
 Preamble to proposed betterment act of 1784, 348.
 Premiums for killing panthers and wolves, 126.
 Prentiss, Capt. Samuel, of Rutland, and Hon. Samuel, of Montpelier, 483.
 Preston, Colburn, 343.
 Price, Rev. Dr. Richard, 388.
 Prichard, Capt. 286.
 Prince, Abijah, and Lucy, 66.
 Prince of Orange, 471.
 Princeton, N. J., College, 103.
 Probate districts, 121, 169, 214, 217, 219, 221.
 Proclamations: of Gov. Chittenden, for obedience to the laws, 152; of thanksgiving for providential aid during the revolution, 300; against Shays's rebellion, 377.—Of Lord Dorchester, on trade through Lake Champlain, 402; of Gov. Hancock of Mass., for neutrality in the insurrection in Windham county, 313.
 Prouty, Elijah, 233, 303, 315; Francis, 50, 303-4, 306-7, 333-4; John, 69; Richard, 5, 69.
 Quakers, 68, 126, 386.

- Quebec, 398, 400, 404, 406, 408-10, 413, 418; Province of, 16, 60, 395-6, 397-402, 405, 440, 407—see *Ordinances*.
- Ramsay, Hon. David, of S. C., 250.
- Ramsdell, Capt., 207.
- Randall, Col. Benj., 119, 198; Joseph, 142, 371.
- Raymond vs. Moore, 194.
- Read, Hon. Jacob, of S. C., 321, 324, 326.
- Reed, Doct. Daniel, 368; Jeremiah, 58.
- Remington, David, 46, 63.
- Remonstrance of the Governor and Council to Congress, in 1783, 254-262.
- Remsen, Henry, 448.
- Reports: of Ira Allen, on commercial intercourse, 398; of Land Commissioners, 202; of Commissioners on Ira Allen's account, 512; of Committee of Congress in favor of Vermont, May 1784, 326—on application of New York for arms, 324; of committee of N. Y. Senate, on application to Congress for troops, 320.
- Representatives of Kentucky and Vermont in Congress, in 1791, 486, 488; in Vermont Assembly, 1786-7, names of, 372.
- Resolutions of Congress, adverse to Vermont, Dec. 1782, 249-50; of Vt. Assembly in 1786, submitting various questions to the people, 365; of Vt. Convention of Jan. 1791, 481.
- Retaliatory acts, 31, 58, 140, 301-2, 330.
- Rhineland, Frederick, 448.
- Rhode Island, 245-251, 266, 307, 321, 338, 505.
- Rice, Barzillai, 59, 109, 150; Ebenezer, 45; Samuel, 38.
- Rich, John, 372, 467, 480.
- Richelieu, (Iroquois, alias Sorel) river, 405, 412.
- Riots, act to punish and prevent, 373.
- Ripley, Maj. Gen. Eleazer W., and Rev. Dr. Sylvanus, 77.
- Risley, Benjamin, 91, 97, 160.
- Roberts, Giles, 334; James, 171-2, 372; Jeduthun, 71; William, 369.
- Robertson, Alexander, 448.
- Robinson, Aaron, 228; Asa, 86; Col. Beverly, 419; Capt., 167; Capt. David, 142, 166-173, 175-6, 178, 181, 186, 218-220, 222-226, 229; Col. Elijah, of Weathersfield, 16, 24, 36, 40, 64, 147-149, 151, 153, 242, 244, 266-7, 346; Ichabod, 244, 371; Rev. John, the Puritan, 508; Jonathan, 44; Hon. Jona., of Bennington, 185-189, 210, 223-4; Lieut. Jonathan, 141; Gov. Moses, of Bennington, 1, 3-5, 7, 13, 14, 16, 18, 19, 23-4, 27, 32-3, 35-6, 38, 42, 46, 50, 52-3, 55-6, 66-68, 70-72, 74, 76, 78-9, 81, 83-4, 86-88, 93, 105-6, 110, 127, 129, 131, 146, 174, 184, 186, 189-201, 203, 206-7, 212, 224, 226, 243-4, 253, 256, 267-269, 301, 306, 328, 334, 347, 447, 466-7, 482, 497, 510,—*lineage of*, 508,—*speech of*, on retiring from the executive chair, 207; Moses, of Rupert, 43, 244; Samuel, senior, 421, 497.
- Rocheboucauld, N. de la, Duke D'Anville, 388.
- Rogers, John, of N. Y., 448; Rev. John, the martyr, and Mary, 508.
- Roman empire, 427, 438.
- Rosbrook, Eleazer, 124, 372.
- Rose, Ara, 142; Joel, 79; Samuel, 82.
- Ross, Artemas, 124.
- Rowley, Jonathan, 369; Thomas, 244, 268.
- Ruback, [or Roback,] Doct. Jacob, 9, 11, 128.
- Rude, [or Rood,] Rufus, 17.
- Rugg, John, 133.
- Rules of the House, 68, 82.
- Russell, Eleazer, 160, 394; Elihu, 143, 160.
- Rutland county, 43, 46-7, 61, 64, 128, 142, 148, 159, 361-2, 370-71, 400, 485.—See *Insurrections*.
- Rutledge, Hon. John, of S. C., 239, 245-6.
- Sabin, Noah, 9, 20, 147-155, 244, 266, 308, 346.
- Sackett, Richard, 123.
- Sadler, Henry, 448.
- Safford, Capt. Jesse, 24, 284, 350; Capt. Joseph, 308; Deacon Joseph, 2; Col. John, 228, 368; Josiah, 168; Gen. Samuel, 1, 2, 5-7, 9, 11, 12, 14, 16, 17, 23-5, 27, 31, 33, 35-40, 45, 48, 50, 52, 70-74, 76, 78, 81, 83-4, 86-7, 92, 101, 105-109,

- 115, 117-18, 120-24, 127-8, 130-135, 139-143, 145-154, 156-159, 161, 166-173, 175-178, 181-2, 184-5, 187-210, 212-216, 218-226, 229, 243, 267, 307, 309, 370, 377, 397, 510, 512.—Notice of, 2.
- St. Lawrence river, 405, 411, 413, 417.
- St. Leger, Col. Barrey, 102, 434.
- Sardinia, 77.
- Savage, James, 163, 177, 180; John, 227.
- Sawyer, Lieut. James, 368; Capt. Thomas, 122, 147, 370.
- Saxton, Frederick and Solomon, 155.
- Schools, management of, in 1787, 137.
- Schuyler, Gen. Philip, 291, 317, 324, 441, 502.
- Scott, Aaron, 79; Capt., 506; John, 189; Thomas, 402.
- Selden, Andrew, 466, 480.
- U. S. Senators for Vermont, election of, 219, 222-224, 226.
- Sergeant, Col. John, 253; Wm., 123.
- Searle, Isaac, 493; William, 14.
- Sears, Simeon, 354.
- Seaver, Nathaniel, 41.
- Sessions, John, 58, 64, 147-149, 153.
- Sevence, Peter, 147.
- Shafter, James, 372, 466, 480.
- Shattuck, William, 38, 49, 80, 234, 239-242, 246, 249, 252-3, 260-61, 266, 274-5, 302-3, 306, 308, 311, 315, 321.
- Shaw, John, 448.
- Shaw & Holmes, 69.
- Shays, Daniel, 376-7, 380.
- Shays's rebellion, 119, 356-380; his men driven from Vermont, 378-380.
- Shearman, Daniel, 466, 480.
- Sheldon, David, 123, 132, 350, 371; Col. Elisha, 214, 216.
- Shepardson, Daniel, 231-233, 252, 307; John, 309.
- Sherman, Hon. Roger, of Conn., 293, 295, 321, 336,—*letter of*, to Josiah Bartlett, in 1781, 293; Samuel, 34, 131-2; Mrs. Sarah, 15.
- Sherwin, Jacob, 49.
- Sherwood, Capt. Justice, 419.
- Ship Canal—see *Canal, Ship*.
- Shumway, John, 26, 89, 118, 147, 149, 185, 192, 308, 466, 481.
- Shutts, Andrew, 162.
- Sill, Rev. Elijah, 162, 167; Hon. Richard, of N. Y., 453.
- Simmons, Col. Benjamin, 379.
- Simonds, John, 244.
- Skene, Col. Philip, 418-19.
- Skinner, Samuel, 89.
- Slade, William, of Cornwall, 467, 481; Hon. William, of Middlebury, 337-8.
- Slafter, Rev. Edmund F., 383.
- Slavery forbidden, 113.
- Sleman, Peter, 467, 481.
- Sloane, Peter, 108.
- Small pox, 31, 42, 129.
- Smalley, William, 244.
- Smead, William, 87.
- Smith, Abidah, 188, 308, 372; Asahel, 171-2, 371, 466, 481; Caleb, 91, 97, 138; Charles, 170; Col. of Mass., 378; Elihu, 187, 189, 210, 242, 343; Doct. George, of N. Y., 419; Capt. Israel, of Brattleborough, 149, 155, 170-71, 175; Gov. Israel, of Rupert and Rutland, 77, 93, 187-8, 190-91, 215, 219, 313, 450, 461, 466, 473, 476, 480, 511; Israel, of Thetford, 21, 38, 346; John, of Leicester, 372, 467, 481; Joseph, 343; Hon. Melancton, of N. Y., 236, 242, 338, 453, 459-60, 462; Nathan, of Bridport, and Maj. Nathan, of Manchester and Shoreham, 501; Hon. Noah, 133, 140, 148, 178, 185-6, 188-190, 201, 213, 226-7, 324, 487, 489, 513,—*letter of*, to Gov. Chittenden, in 1791, 226; Oliver, 43, 371; Phinehas, 494; Reuben, 157; Samuel, 68; Seth, 331; Simeon, 185, 187-8, 466, 481; Steele, 179; Hon. Thomas, of Pa., 245; Chief Justice William, of New York and Canada, 118-19, 122, 400-402.
- Snyder, Capt. Jeremiah, 238.
- Sodom and Gomorrah, 236.
- Song, on the ratification of the Federal Constitution by Vermont, 483.
- Song of the Vermonters, note on, 507.
- Sorel river—see *Iroquois*.
- South Bay, 260, 327.
- South Carolina, 245-6, 250, 321, 324.
- Spafford, David, 79; Eliphalet, 17; Col. John, 100, 466, 481; Gen. Jonathan, 155, 158, 196, 210, 216-17, 372.
- Spain, 433.
- Sparks, Rev. Jared, 201, 292, 296—

- on the Vermont question in Congress, 292.
- Spaulding, Asahel, 209; Capt. Leonard, 27, 61, 350, 372.
- Spear, Andrew, 244.
- Speeches: of Gov. Chittenden, in 1784, 52; in 1789, 186; in 1790, 211.—Of Alexander Hamilton, in favor of Vermont, in 1787, 423; reply of Richard Harrison, 424; rejoinder by Hamilton, 430.—Of Gov. Robinson, Oct. 1790, 207.
- Spencer, Hon. Abel, 135-6; Gideon, 45.
- Spicer, Abigail, Asher, Jabez, Jonathan, and Roger, 53, 313; Daniel, 53, 311, 313, 319, 326.
- Spooner, Alden, 26, 151, 209; Hon. Eliakim, 160; Judah P., 28; Lieut. Gov. Paul, 1, 3-5, 18, 19, 23-25, 27, 32, 42, 50, 52-54, 57, 65-68, 70-72, 75-6, 78, 80, 83-87, 98-9, 101, 105-6, 146, 150, 256, 269, 274, 301, 308, 328, 347, 366.
- Spooner & Green, 9.
- Sprague, Elkanah, 343.
- Squire, Ezra, and Odel, 80; Truman, 45.
- Stafford, John, 222.
- Stark, Gen. John, 418, 498.
- Starkweather, Mr., of Mass., 380.
- State printing—see *Newspapers*.
- Stebbins, Benjamin, 244, 366.
- Steele, James, 118-19, 372-375.
- Sterling, Lord, 238.
- Sternes, Eleazer, 94; Jane, 57.
- Stevens, Hon. Elias, 5; Ephraim, 197, 217; Henry, 451; Capt. John, 120, 124, 128, 142, 362, 371; Penueel, 177; Simon, 28, 233, 267, 275, 466, 480.
- Stevens Papers, 499.
- Stewart, Elkanah, 61; Hon. Mr., of N. J., 338.
- Stiles, Ezra, of Keene, N. H., 344, 381.
- Stocks and sign-posts, 136.
- Stone, Edwin M., 505; Mr., 202; Col. Nathan, 307; Hon. Thomas, of Md., 324.
- Storey, Daniel, 42.
- Stoughton, Nathaniel, 466, 480.
- Stout, Benjamin, 448.
- Stowell, David, 309; Hezekiah, 233, 303.
- Strong, Ebenezer, 222; Capt. John, of Woodstock, 174, 244; Gen. John, of Dorset and Addison, 6, 16, 21, 26, 34, 39-40, 43, 51, 70, 79, 91, 97, 101, 105-7, 109, 117-18, 120-21, 123-26, 128-131, 145-154, 157-9, 162-3, 165-176, 178, 181, 183-185, 187-202, 205, 207, 215-16, 218-226, 228-9, 243-4, 266-7, 343, 346-7, 350, 372, 467; Samuel, 153.
- Stewart's life of Gov. Jonathan Trumbull, senior, quoted, 506.
- Suffolk county, England, 163.
- Sullivan, Gen. John, to Lord Sterling, 238.
- Sunderland, Peleg, 134.
- Supervisors in Windham county, 93.
- Surveyor General, 30, 32-34, 63, 84, 98, 131, 135, 143, 150, 158, 161-63, 174, 177-8, 199, 200, 202-204, 215, 217, 220-21, 223, 509, 512.
- Swift, Chipman, 350; Rev. Job, 52, 185; Jonathan, 369.
- Swiss Cantons, 433.
- Taggart, Thomas, 29.
- Taplin, Col. John, 95-97, 99, 100, 192.
- Taylor, Abraham, 48; Capt. Daniel, 9, 22, 89, 96, 244; Rev. D. T., 222.
- Templeton, Oliver, 448.
- Tenbury—see *acts on*.
- Tennessee, 337.
- Thayer, Benoni, 209; Capt. Simeon, of R. 1., extracts from his journal of Arnold's invasion of Canada in 1775, 505.
- Thomas, Reuben, 466, 480.
- Thompson, Abel, 124, 149, 166, 171, 185, 189, 362, 372, 466, 480.
- Thomson, Charles, 255.
- Throop, Amos, 76, 98; Hon. John, 1, 3, 14, 16, 23-4, 28, 41-2, 50, 52, 56, 65-68, 70-72, 76, 78, 98-9, 150; Nathaniel, 372.
- Thurber, Benjamin, 57; David, 41, 306, 310, [printed Daniel.]
- Tichenor, Gov. Isaac, 6, 14, 15, 19, 20, 23-4, 35, 51-2, 54-5, 67, 71, 101, 103-4, 111, 115, 117-128, 130-136, 138-158, 160-162, 165-173, 175-6, 178, 181-186, 188-205, 207, 210, 212-220, 222-226, 229, 234, 244, 250-51, 256-7, 269, 301, 328, 334, 343, 346-7, 349, 375, 377, 399, 415, 421, 447, 450-51, 461, 511, 513.—Biographical notice of, 103; portrait of, facing title-page; notes on portrait and signature, 514.
- Tilden, Stephen, 87, 350.

- Todd, Capt., 167; Hon. Timothy, 229, 466, 480.
- Tolls, Henry, 68.
- Tolman, Ebenezer, of Danby, 102. [printed Thomas.] 362, 513; Hon. Henry S., 50; Thomas, of Attleborough, Mass., 50; Rev. Thomas, 1, 43, 14, 23, 49, 50-55, 62, 64, 67, 76, 79, 81, 87, 98, 100, 254, 275, 343, 347, 362, 503, 513,—Biographical notice of, 50.
- Topham, Capt. John, of R. I., 505-6.
- Towns*—Adams, Mass., 377.
- Addison, 34, 89, 90, 91, 101, 145, 164, 166, 184, 190, 205, 343, 346, 350, 372, 467.
- Albany, as Lutterloh, 180, 203, 228, 388, 395.
- Albany, N. Y., 22, 34, 160, 199, 238-240, 320, 354, 383, 393, 433-4, 482.
- Alburch, 222, 320, 372, 396, 489, 510.—Various names of, 222.
- Andover, 466, 481.
- Andover, Mass., 2.
- Arlington, 1, 21, 23, 41, 50, 51, 67, 76, 108, 162, 170, 209, 269, 275, 343-4, 371, 380, 457, 459, 466, 502, 508.
- Athens, 171, 372, 466.
- Attleborough, Mass., 50.
- Averill, 132, 165.
- Bakersfield, as Knoulton's Grant, 203, 227, 229.
- Barnard, 56, 88, 111, 121, 350, 366, 372, 467.
- Barnet, 113, 165, 233, 372, 467.
- Barre, as Wildersburgh, 143, 164, 197.
- Barton, [changed from Providence,] 55, 180, 192, 203, 228.
- Beauveau, [proposed,] 388.
- Belmont, P. Q., 222.
- Belvidere, 203.
- Bennington, 1, 2, 9, 22-3, 27, 34, 49, 50, 76, 80, 82, 94, 101-4, 117, 138, 141-2, 145, 147, 149, 160, 166, 184, 199, 203, 207, 217, 229, 266, 276, 309, 311, 315, 329, 343, 346, 349, 350, 354, 359, 364, 371, 375, 380, 387-8, 390-395, 418-19, 440, 457, 459, 465-6, 481-2, 491-493, 495-6, 498, 508, 513-14.
- Benson, 110, 164, 188, 371, 466.
- Berlin, 128, 164, 177.
- Bernardston, Mass., 311.
- Bethel, 70, 71, 94, 99, 154, 209, 228, 350, 372, 466.
- Billerica, Mass., 499, 513.
- Bloomfield as Minehead, 165, 198, 202.
- Bolton, 164.
- Boston, Mass., 89, 261, 272, 412-13, 490-494.
- Bradford as Moretown, 62-3, 65-6, 95-6, 99, 100, 154, 164; as Bradford, 175, 198, 221, 227, 281, 283, 286, 347, 372, 401, 466, 507-8, 514.
- Braintree, 70, 99, 195.
- Braintree, Mass., 77.
- Brandon as Neshobe, and changed to Brandon, 56; as Brandon, 71, 80, 121, 221, 369, 371, 466.
- Brattleborough, 9, 43, 69, 89, 113, 141, 191, 210, 231, 233-4, 238-9, 268, 275, 302-7, 309, 311, 315, 333, 345-6, 349-50, 372, 376, 393-5, 466.
- Bridgewater, 58, 87, 92, 349-50, 467, 481.—P. 481, note 1, Enoch Emerson of Rochester is erroneously assigned to Bridgewater.
- Bridport, 112, 164, 372, 467, 501.
- Brighton as Random, 202.
- Bristol as Pocock, 164; as Bristol, 195, 209, 223.
- Brookfield, 18, 20, 71, 90, 99, 154, 228, 372, 466.
- Brothersfield, [proposed,] 387.
- Brownington, 88, 126, 129, 131, 156-7, 180, 203-4, 228, 302.
- Brunswick, 115, 165, 198, 202.
- Burke, 165, 203, 224.
- Burlington, 94, 108, 149, 164, 191, 198, 201, 213, 228, 372, 394-5, 418, 467.
- Cabot, 164-5, 176.
- Caen, Normandy, 385.
- Calais, 128, 164, 209, 225, 505.
- Cambridge, 34, 76, 79, 88-9, 101, 145, 157, 164, 166, 172, 184, 205, 467.
- Castleton, 15, 90, 102, 109, 128, 148, 206-7, 350-51, 362-3, 371, 414, 466, 508, 513.
- Castri Polis, [proposed,] 387-8.
- Cavendish, 79, 88, 137, 372, 466.
- Chambly, P. Q., 411.
- Charleston as Navy, 203.
- Charlestown, N. H., 395, 420.
- Charlotte, 123, 164, 171, 467.
- Chelsea as Turnersburgh, 99; as Chelsea, 175.

Towns, continued.

- Chester, 15, 134, 149, 198, 343, 350, 372, 466, 481.
 Chesterfield, N. H., 274.
 Chittenden, 157, 199, 209, 466, 508.
 Clarendon, 109, 187, 225, 272-3, 343, 347, 351, 362, 367, 371, 394.
 Clermont, N. Y., 448.
 Colchester, 1, 23, 50, 91, 94, 138, 164, 191, 198, 387, 415, 372, 467.
 Coleraine, Mass., 308.
 Concord, 92, 96, 165.
 Concord, N. H., 283.
 Condorcet, [proposed,] 387-8.
 Corinth, 26, 87, 90, 95-97, 99, 156, 188, 350, 466.
 Cornish, N. H., 499.
 Cornwall, 50, 71, 79, 112, 124, 164, 170-71, 175, 202, 220, 372, 467.
 Cornwall, Conn., 1, 501.
 Coventry, 83, 176, 180, 203.
 Craftsbury as Minden, 164, 176; as Craftsbury, 215.
 Crown Point, N. Y., 318, 320.
 Danby, 43, 109, 222, 347, 350-51, 362, 371, 379, 466, 513.
 Danville, 113, 137-8, 158, 165, 387-8, 467, 503.
 Derby, 174, 194, 228.
 Deweysburgh, 165.
 Dorset, 2, 4, 26, 84, 118, 122, 162, 167, 192, 343, 349-50, 363, 371, 466.
 Douglas, and Dudley, Mass., 86.
 Dummerston, 107, 304, 306, 350, 372, 466, 495.
 Duxbury, 164, 209, 225.
 East Haven, 165, 213.
 East Montpelier, 504-5.
 Eden, and Elmore, 165.
 Enosburgh, 203-4, 215.
 Esopus, N. Y., 238.
 Essex, 94, 164, 372, 467.
 Exeter, N. H., 285, 420.
 Fairfax, 88, 164, 195, 467.
 Fairfield, 165, 203, 210, 223.
 Fairhaven, 27, 63, 71, 164, 169, 178, 181, 183, 346, 372, 466.
 Fairlee, 73, 76, 91, 99, 113, 184, 205, 350, 467.
 Fannysburgh, [proposed,] 387.
 Farmington, Conn., 95, 502.
 Fayette's Grove, [proposed,] 388.
 Fayston, 164, 202.
 Ferdinand, 135, 202.
 Ferrisburgh, 80, 85, 92, 124, 164, 372, 466.
 Fishkill, N. Y., 420.
 Flaibush, N. Y., 291.
 Fletcher, 88, 164-5, 197.
 Franklin as Huntsburgh, 510.
 Gallipolis, [proposed,] 387.
 Georgia, 94, 164, 197, 467.
 Glastenbury, 141.
 Glover, 180, 203, 216, 228.
 Goshen, 164-5, 180, 198.
 Grafton, 111, 119, 209, 223, 372, 466.
 Granby, 165.
 Grand Isle, 58, 457, 459.
 Granville as Kingston, 128, 150, 164.
 Granville, N. Y., 2.
 Greenfield, Mass., 492, 507.
 Greensborough, 50, 128, 164, 176, 217.
 Groton, 154, 158, 165.
 Guildhall, 38, 42, 73-4, 89, 92, 3, 109, 111-12, 165, 197, 202, 209, 212, 223, 372, 467.
 Guilford, 8, 17, 18, 28, 37, 43, 46, 66, 85-6, 89, 231, 233-236, 238-241, 253, 267-8, 299, 302-309, 311-12, 315-16, 334, 350, 372, 466, 498.
 Hadley, Mass., 304, 333, 492-494.
 Halifax, 29, 31, 75, 89, 142, 231, 233-4, 238-241, 299, 304-5, 307, 309, 315, 332, 350-51, 372, 466, 498.
 Halifax, N. S., 399, 400.
 Hancock, 164, 202, 220.
 Hanover, N. H., 395.
 Harcourt, [proposed,] 387.
 Hardwick, 128, 164, 176, 197, 228.
 Harris Gore, 165.
 Hart Court, [proposed,] 388.
 Hartford, 70, 101, 145, 166, 184, 281, 283, 286, 343, 350, 372, 466.
 Hartford, Conn., 77, 389-90, 393, 396, 491.
 Hartland, 1, 23, 48, 50, 70, 76, 92, 110, 121, 185, 346, 350, 366, 372, 466.
 Haverhill, Mass., and N. H., 507.
 Hebron, Conn., 507, 514.
 Highgate, 94, 164, 188, 222; as Woodbridge, 32-3, 509-10.
 Hinesburgh, 153, 164, 209, 221, 228, 467.
 Hinsdale, N. H., 101, 498.
 Hopkins Gore, [part of Kirby,] 180; as Hopkins Grant, and Hopkinsville, 203.
 Hubbardston, Mass., 377.
 Hubbardton, 59, 150, 351, 372, 466.
 Huntington as New Huntington, 164, 209, 467.

Towns, continued.

- Hydepark, 88-9, 156, 164-5, 228.
 Ipswich, Mass., 492.
 Ira, 28, 90, 128, 154, 351, 371.
 Irasburgh, 180, 203.
 Isle la Motte, 457, 459.
 Jackson's Gore, 123, 135.
 Jamaica, 89, 141, 177, 196.
 Jay as Carthage, 29, 33, 63, 203-4, 509-10, 512.
 Jericho, 94, 164, 173, 201, 372, 394, 467.
 Johnson, 156-7, 159, 164-5, 188, 200, 201, 209, 225, 421, 467, 513-14.
 Keene, N. H., 274, 344.
 Kirby, 203.
 Landaff, N. H., 508.
 Landgrove, 112, 158, 172.
 Lansingburgh, N. Y., 395.
 Lebanon, N. H., 99, 344.
 Leicester, 139, 147, 172, 188, 196, 227, 372, 467.
 Lemington, 165, 172.
 Lewis, 165, 202.
 Liancourt, [proposed,] 388.
 Lincoln, 164, 179.
 Litchfield, Conn., 501, 504.
 Little Hoosick, N. Y., 119.
 L'Orient, France, 385, 388.
 London, England, 398, 408-9, 411, 414, 416-17, 420, 439.
 Londonderry, 8, 42, 140, 350, 372, 466, 514.
 Lowell, 138, 203.
 Ludlow, 135, 155, 195.
 Ludovico Polis, [proposed,] 387.
 Lunenburg, 20, 92, 96, 109, 165, 198, 202, 350, 372, 467.
 Lyman, N. H., 343.
 Lyndon, 43, 165, 192, 195.
 Maidstone, 165, 202, 467.
 Manchester, 11, 29, 31, 38-9, 52, 62, 82, 109-10, 133, 164, 167, 174, 181, 205, 243, 343, 350-51, 362-3, 371, 394-5, 466, 501, 508, 514.
 Marlborough, 59, 66, 74, 221, 231, 235, 239-40, 272, 302, 332, 334, 350-51, 372, 375, 466, 495, 498.
 Marshfield, 165, 180, 192-194, 199, 200, 505.
 Mendon, 155.
 Middlebury, 58, 124, 131-2, 164, 175, 372, 467.
 Middlesex, 164, 505.
 Middletown, 61, 71, 362, 466.
 Milton, 155, 164, 173, 467.
 Monkton, 124, 164, 172, 467.
 Montgomery, 203.
 Montpelier, 128, 164, 177, 357, 416-17, 504, 506.
 Montreal, P. Q., 238, 396, 399, 418.
 Moretown, 225.
 Morgan, 203.
 Morrisania, N. Y., 292.
 Morristown, 165, 228.
 Morris-Town, [printed as of New York, but probably it was of New Jersey,] 326.
 Mount Tabor as Harwich, 222.
 Newark, 165.
 Newark, N. J., 103.
 Newburgh, N. Y., 262.
 Newbury, 99, 101, 112, 137, 141, 145, 154, 157, 164, 166, 184, 191, 205, 238, 281, 283-286, 347, 350, 364, 393, 467, 507.
 Newburyport, Mass., 413.
 New Fairfield, Conn., 162.
 Newfane, 22, 93, 109-10, 184, 191, 205, 212, 302, 351, 372, 466.
 New Haven, 75, 92, 94, 112, 138, 164, 210, 372, 467.
 New Haven, Conn., 155, 339, 444.
 New Haven Gore, 195.
 New Milford, Conn., 72.
 Newport as Duncansborough or Duncansburgh, 180, 203, 216, 223.
 Newtown, Conn., 113.
 New York city, 331, 339, 385, 387, 389, 396, 413, 421-2, 440, 451, 453-4, 456.
 Nine Partners, N. Y., 501.
 Noaillesburgh, [proposed,] 387.
 Northfield, 128, 147-8, 155, 164.
 Northfield, Mass., 492.
 Northampton, Mass., 304, 395.
 North Hero as part of the Two Heroes, 13, 14, 112, 372; as North Hero, 173, 396, 457, 459, 467.
 Norton, 222-3.
 Norwich, 1, 9, 23-4, 26, 50, 57, 60, 64, 65, 69, 76, 99, 101, 145, 154, 166, 184, 191, 235, 243, 281, 283, 286, 350, 355, 372, 467, 475.
 Norwich, Conn., 2, 26, 76, 102, 272.
 Ogdensburgh, N. Y., 400.
 Old Wallingford, Conn., 170.
 Orange, 45, 99, 128, 143, 214.
 Orwell, 59, 124, 128, 164, 177, 195, 371, 466.
 Panton, 89, 164, 199, 372, 467.
 Paris, France, 385-390, 504.

Towns, continued.

Pawlet, 10, 93, 109, 115, 162, 362-364, 368, 371, 457, 459, 466.
 Peacham, 113, 165, 175, 209, 467.
 Peru, 12, 158, 172.
 Philadelphia, Pa., 18, 97, 100, 137, 158, 237, 239, 250, 256, 266, 277, 288, 292, 385-6, 414-15, 419, 439-40, 464, 514.
 Pittsfield, 169; Pittsfield, Ms., 375.
 Pittsford, 17, 109, 121, 284, 343, 350-51, 362, 368-370, 372, 466, 508.
 Plainfield, 505.
 Plainfield, N. H., 168.
 Plymouth, 155.
 Plymouth, Mass., 77.
 Pomfret, 23, 50, 76, 91, 188, 308, 347, 349-50, 372, 467.
 Portsmouth, N. H., 393, 413.
 Poughkeepsie, N. Y., 247, 304, 307, 310, 441-2.
 Poultney, 30, 86, 343, 349, 367, 371, 457, 459, 466.
 Pownal, 109, 147, 195, 350, 362, 371, 380, 457, 459, 466, 493.
 Providence, R. I., 505.
 Putney, 9, 74, 158, 346, 350, 372, 401, 466.
 Quebec, P. Q., 398, 408, 418.
 Randolph, 20, 99, 122, 125, 227-8, 350, 372, 467.
 Reading, 121, 140, 347, 349, 350-51, Readsborough, 108, 155. [372.
 Richford, 203.
 Richmond, Va., 393.
 Ripton, 164.
 Rochambeau, [proposed.] 387.
 Rochester, 18, 70, 99, 212, 467; p. 481, last line note 1, "Bridge-water" should be *Rochester*.
 Rockingham, 5, 22, 57, 68, 75, 134, 171, 275, 343, 350, 466.
 Roxbury, 99, 128, 195.
 Royalton, 5, 17, 70, 88, 90, 94-5, 99, 123, 150, 191, 284, 350, 372, 467.
 Rupert, 41, 59, 110, 187, 190, 244, 350, 371, 457, 459, 466, 511.
 Rutland, 1, 23, 47, 52, 54, 105, 109, 122, 132, 136, 141, 153, 170, 190, 347, 350, 362-3, 367-371, 393, 395, 443, 466, 473, 483, 511.
 Ryegate, 26, 98, 112, 154, 165, 372.
 St. Albans, 158, 164, 195, 467.
 St. George, 137-8, 165.
 St. Johns, P. Q., 398, 403-4, 410-11, 418, 502.
 St. Johnsbury, 113, 136-7, 158, 165, 205-6, 225, 387, 467.

St. Regis, P. Q., 406.
 St. Therese, P. Q., 411.
 Salem, 198, 203, 228.
 Salisbury, 124, 131, 147, 164, 174, 188, 196, 227, 372, 467.
 Salisbury, Conn., 123, 501.
 Sandgate, 371, 416, 457, 459, 466.
 Santa Maria, changed to Wheelock, 168.
 Sarselles, France, 386.
 Savannah, Ga., 409.
 Schenectady, N. Y., 239.
 Segurum, [proposed.] 388.
 Shaftsbury, 15, 39, 46, 179, 190, 216, 351, 364, 371, 378, 380, 441, 457, 459, 466.
 Sharon, 72, 99, 209, 350, 372, 466.
 Sheffield, 178-9, 202.
 Shelburne, 94, 138, 147, 164, 172, 216, 467.
 Sheldon as Hungerford, 210, 223.
 Sherburne as Killington, 199.
 Shoreham, 59, 164, 172, 467, 501.
 Shrewsbury, 75, 135, 244, 347, 350, 371, 466.
 Somerset, 157.
 Sophysburgh, [proposed.] 387.
 South Hero as part of the Two Heroes, 13, 14, 372; as South Hero, 457, 459, 467.
 South Kingston, R. I., 76.
 Spencertown, N. Y., 501.
 Springfield, 28, 62, 68-9, 350, 372, 466; Springfield, Mass., 380, 395.
 Stamford, 43, 80, 212, 371, 466.
 Starksborough, 148, 164, 173, 198.
 Sterling, 88, 156, 165.
 Stillwater, N. Y., 498.
 Stockbridge, 8, 9, 224.
 Stockbridge, Mass., 359.
 Stowe, 16, 45, 228.
 Strafford, 99, 350, 372, 467.
 Stratford, Conn., 156, 393.
 Stratton, 157.
 Sudbury, 59, 111, 466.
 Sunderland, 1, 23, 49, 50, 76, 101, 145, 166, 184, 205, 349-50, 371, 379, 466, 503.
 Sutton as Billymead, 165, 195, 221.
 Swanton, 94, 164.
 Thetford, 18, 73, 99, 155, 171, 193, 281, 283-4, 346, 349-351, 372, 467.
 Tinnmouth, 1, 16, 23, 28, 50, 77, 101, 109, 145, 166, 184, 205, 343, 346, 349-50, 362-364, 371, 441, 466, 514.
 Topsham, 99, 142, 164-5, 209, 225.

Towns, concluded.

- Torrington, Conn., 77.
 Townshend, 1, 23, 50, 76, 101, 145, 166, 184, 350, 466, 494.
 Trenton, N. J., 288.
 Troy, 203; Troy, N. Y., 395.
 Tunbridge, 10, 12, 19, 90, 150-51, 216, 467.
 Turgot, and Turgotsburg, [proposed,] 388, 391.
 Turgotsfield, [proposed,] 387.
 Underhill, 88, 164, 173.
 Vergennes or Vergennesburg, [proposed,] 387-8; Vergennes as De Vergennes, 175, 177, 391; as Vergennes, 188, 391, 394, 467.
 Vernon as Hinsdale, 127, 303, 372, 466, 498; as Vernon, 7, 101-2, 145, 166, 184, 205, 210, 343, 510.
 Vershire, 68, 79, 96, 99, 123, 125, 209, 467.
 Waitsfield, 164.
 Walden, 165, 210, 225.
 Walden Gore, 165.
 Wallingford, 52, 109, 123, 135, 362-3, 371, 466.
 Wallingford Gore, 177.
 Wallingford, Old, Conn., 170.
 Walpole, N. H., 30, 274, 299, 507.
 Wardsborough, 126, 170, 177, 372.
 Warner's Grant, 180, 203-4.
 Warren, 165.
 Washington, 99, 199.
 Washington City, D. C., 417.
 Waterbury, 164.
 Waterford as Littleton, 165.
 Weathersfield, 17, 20, 24, 185, 198, 244, 346, 372, 466.
 Wells, 39, 41, 46, 61, 74, 155, 350, 358, 371, 457, 459, 466.
 Wenlock, 135, 202.
 Westfield, 191, 203.
 Westford, 158, 164, 177.
 West Fairlee, 76.
 Westminster, 9, 20, 23, 30, 31, 49, 57-8, 92, 112, 151, 185, 189, 200, 202, 206, 236, 240-41, 274, 299, 301-2, 304, 306, 316, 332, 343, 345, 350, 372, 450, 466, 499.
 Westmore, changed from Westford, 158, 165.
 Westmoreland, N. H., 492.
 West Springfield, Mass., 77, 377.
 Weybridge, 110, 164, 202, 210.
 Wheelock, 165, 168, 180.
 White Creek, N. Y., 379, 380.
 Whitehall, N. Y., 419.
 Whitelaw's Grant, 165, 180, 203.
 Whiting, 59, 467.
 Whitingham, 61, 372, 466, 498.
 Williamstown, 83, 98-9, 108, 111, 129, 147-149, 191, 209, 215, 467.
 Williamstown, Mass., 380, 493.
 Williston, 1, 23, 50, 76, 94, 99, 101, 145, 164, 166, 172, 205, 228, 372, 415, 467.
 Wilmington, and Draper, 40, 41, 58-9, 66, 86-7, 92, 112, 119, 204, 350, 372, 466, 494-5, 498.
 Winchester, N. H., 384, 385.
 Windham, Conn., 507.
 Windsor, 9, 15, 20, 26, 68, 88, 94-5, 98, 100, 121, 141, 185, 216, 276, 283, 307, 350-51, 372, 393-4, 409-10, 415, 418, 466, 497.
 Winhall, 112, 159.
 Winooski village, 387.
 Wolcott, 164-5, 195.
 Woodbridge grant, 31, 32, 509-513.
 Woodbury, 128, 164, 176, 228.
 Woodbury, Conn., 273, 501.—See *Woodbury, Old*.
 Woodford, 90, 177.
 Worcester, 165, 505.
 Worcester, Mass., 506.
 Woodstock, 1, 18, 20, 23-4, 41, 50, 76, 106, 111, 113, 151, 155, 170-172, 199, 216, 350, 372, 466.
 Townsend, Hon. Micah, 7, 9, 20, 24, 35, 46, 56, 58, 61, 64, 67, 137-8, 307, 330-332, 345, 347, 397.—*Letters of*: to Gov. Chittenden, in 1783, 307; to the publishers of the Vermont Gazette, in 1785, 331.
 Tracy, Deborah, 272; Joshua, 140.
 Trainer, Francis, 495-6.
 Traverse, Samuel, 448.
 Treason, penalties for, 129, 314-15.
 Treat, Malachi, 448.
 Trials of land titles prohibited, 341; prohibition repealed, 345.
 Troops, requested of Congress by New York, to be controlled by that State, in 1783, 277; in April 1784, 320; and June 1784, 323, 326.
 Troup, Robert, 448.
 Trumbull, senior Gov. Jonathan, of Conn., furnished Vermont with powder in 1780, 506.
 Tryon, Gov. William, 502.
 Tucker, Joseph, 309-10.
 Tupper, Silas, 467, 480; Simon, 369.
 Turgot, Anne Robert James, 388.

- Tute, Amos, 303.
 Twist, Capt., 411.
 Tyler, Maj. Joseph, 42, 350; Hon. Royall, 119, 125, 375-6; Timothy, 11.
 Underhill, Abraham, 26, 122, 349-50.
 Underwood, Jonathan, 54, 70, 298, 350; Thaddeus, 496.
 Union, Eastern, 407, 420, 500; Western, 198, 407, 419.
 University of Vermont, 83, 108, 190-91, 386-7, 391.
 United States officers in Vermont in 1791, 489.
 Vail, Edward, 109.—See *Viel*.
 Valentine, Mrs., 448.
 Vandyke, 292.
 Vannaughnam, [Vanornum, or Varnernum,] Isaac, 4.
 Varick, Hon. Richard, of N. Y., 448, 460.
 Vergennes, Count de, 388, 391.
 Vermont—acts of sovereignty, 381-420. Admission of into the Union, 218-220, 222, 224, 227, 243, 266-273, 326, 485-489,—honored at Albany, N. Y., 482, and celebrated at Rutland, 483.—Action of General Assembly of, Oct. 16-24, 1782, 242-245; on the adverse resolutions of Congress of 1782, and renewing application for admission into the Union, 266-273, 464-5; on insurrection in Windham county in 1783-4, 297-315; at the period of Shays's rebellion, 357-380; on settlement of the controversy with New York, 449-50; 460-63.—Name Vermont, 504. Partition of proposed, 280-291.—Sentiments prevailing in after the treaty of peace of 1783, 334-336.—Votes of the people of, on questions submitted in 1784, 349; in 1786, 365, 371.
 Vermont, Abbe de, 504.
 Vermont Gazette, [Bennington,] 8, 22, 27, 34, 53-4, 95, 108, 111, 167, 186, 205, 207, 211-12, 302, 206-7, 314, 317, 321, 329-30, 343, 349-51, 358-9, 366, 368, 371, 375-6, 378-380, 382, 387-8, 396, 399, 400, 404-406, 422, 440, 460, 465, 482, 489, 503.
 Vermont Historical Society, 514.
 Vermont Journal, [Windsor,] 24, 27, 52, 108, 110-11, 185, 301, 305, 326, 349, 358-9, 366, 396, 423.
 Verplanck, Hon. Gulian, of N. Y., 448-9, 453, 459-60, 462.
 Viel, [Vail,] Edward, 222, 362.
 Virginia, 245, 250-51, 264, 276, 278, 321, 324, 337, 393, 439.
 Wardsworth, Col. Jeremiah, 389.
 Wait, Gen. Benjamin, 16, 65, 79, 85-6, 91, 98, 130, 162, 244, 267, 298, 303, 307-8, 310-11, 351, 366, 504.
 Walbridge, Hon. David S., 103; Gen. Ebenezer, 64, 101-2, 105, 109, 111-12, 114, 117-121, 123-126, 128, 130, 132-136, 138-141, 145-156, 159-162, 165-171, 173, 175-6, 178, 181-197, 202-210, 212-216, 218-19, 222-226, 229, 241, 343, 376-7, 381, 497—notice of, 102; Henry, 24, 40, 70, 85, 309-10, 350; Hon. Hiram, Mary, and Sir William de, 103.
 Walker, Joel, 79.
 Wallace, William, 21.
 Walton, Gerard, Jacob, and Wm., 448.
 Ward, Capt. Samuel, of R. I., 506; William, of Newfane, 86, 89, 124, 135, 147, 309, 372; William, of Poultney, 6, 244, 343, 349, 367, 371, 466, 481.
 Warner, Abigail, and Asahel, 502; Benjamin, 133; Doct. Benjamin, 502-3; Doct. Ebenezer, 502; widow Hester, 150, 180, 204, 221; John, 502; Hon. Joseph, of Sudbury, 466, 480; Moses, 466, 481; Col. Seth, 2, 102, 169, 204, 221, 292, 501—genealogy and obituary of, 502-3; Tamar, 502.
 Warren, Col. Gideon, 16, 502; Moses, Washburn & Willoughby, 170. [42.
 Washington, Prest. George, 201, 239, 251, 254-5, 260, 262-265, 269, 272-3, 278, 284-5, 317, 319-20, 414, 438, 443, 486, 488-9. *Letters of*: to President of Congress, Feb. 7 1783, and Hon. Joseph Jones, of Va., Feb. 11 1783, 262.—Message of, on admission of Vermont into the Union, 486.
 Waters, Abel, 467, 480; Ensign Oliver, 39, 74, 304-5, 309-10, 333; William, 160.
 Watson, Elizabeth, 77; Capt. Titus, 195, 213-14, 244; William, of Plymouth, Mass., 77.
 Weare, Prest. Meshech, of N. H., 254, 284, 286-288.—*Letter of*, to Gov. Clinton, July 2 1782, 286.

- Webb, Jehiel, 68, 157, 384; Joshua, 22; Samuel B., 448.
- Weld, Elias, 35, 45, 346; Isaac, 28; John, 67, 70 [printed Wild,] 85, 119-20, 375, 397.
- Welden, Jesse, 4.
- Weller, Eliakim, 62.
- Wells, Hubbell, 55, 123, 129, 132, 157, 332, 350-51, 372; Joseph, 306; Samuel, 7, 12, 110.
- Wentworth, Gov. Benning, 495, 497; Gov. John, 63; Hunking, 110.
- West, Benajah, David, Elisha, and Mary, 86; Benjamin, 197; Ebenezer, 68; Elijah, 86, 92, 100.
- Westminster massacre, 283.
- Weston, Nathaniel, 37, 350.
- Wharton, Hon. Samnel, of Del., 245.
- Wheeler, Adam, 376-7; Asa, 79; Isaac, 204; John, 92, 96.
- Wheelock, Prest. John, of Dart. College, 70, 89, 106-108, 126, 168.
- Whipple, Benjamin, 6, 8, 24, 56, 151, 177, 244, 347, 369; Daniel, 20, 30; Joseph, 333; Thomas, 334; Gen. William, 247, 288.
- Whitcomb, Asa, 123, 169.
- White, Asa, 57; Asaph, 4; Ebenezer, 350; Hon. John, of Georgia, Vt., 34, 79, 467, 472, 480; Noah, 62, 79, 81, 83, 85; Hon. Phillips, of N. H., 245, 276, 288,—*letter of*, to Prest. Weare, Jan. 1783, 288; Rev. Pliny H., 504; Thomas, 42; Thomas W., 56; Wm., 305, 319, 334.
- Whitelaw, Gen. James, 98, 150, 158-9, 162-3, 165, 174, 177, 180, 199, 202-3, 215, 217, 223, 372.
- Whiting, Leonard, 155.
- Whitmore, Francis, 494.
- Whitney, Capt. Benja., 306; David, 210; Dea. Jonas, 144, 161, 221, 466, 481, 494; Nathaniel, 275, 494; Samuel, 494; Silas, 124.
- Whittier, John G., 507.
- Wilder, 493.
- Willard, Dubartus, 372; Jona., 244; Joseph, 162; Solomon, 384-5.
- Willett, Marinus, 448.
- Williams, Capt., of Mass., 506; Oliver, 18, 20; J., 404, 406; Roger, 43; Hon. Samuel, of Rutland, 58, 112, 147, 171, 185, 189-192, 350; Rev. Dr. Samuel, of Rutland, 190, 265, 334-5; Silas, 350; Col. William, 495, 498.
- Willoughby, Bliss, 131; Capt. Ebenezer, 15, 162.
- Willson, John, 448.
- Wilmout, Asa, 221.
- Wilson, Ebenezer, 210, 371, 466, 480; Hon. James, of Pa., 251, 278; Lucas, 244, 250.
- Winchester, Joseph, 233, 494.
- Windham county, 5, 32, 58, 64, 69, 93, 103, 109, 111, 128, 146, 151, 154, 157, 175, 177, 220, 228, 244, 261, 263, 279, 297, 299, 302, 308-310, 312, 319, 331-2, 371, 400, 485.—*See Insurrections.*
- Windsor county, 5, 18, 26, 64, 69, 106, 113, 125, 128, 153-155, 159-60, 173, 177, 216-17, 225, 236, 254, 371, 485.—*See Insurrections.*
- Witherspoon, Rev. Dr. John, of N. J., 248.
- Wolcott, Hon. Oliver, of Conn., 262, 273.
- Wood, Capt. Ebenezer, 58; Enos, 467, 481; Joshua, 120, 124, 189, 466, 480.
- Woodbridge, Maj. Theodore, 32, 509, 513.
- Woodbury, Nathan, 18, 90.
- Woodward, Hon. Bezaleel, 106-7, 284, 501.
- Woodworth, Joel, 189.
- Wooster, David, 17.
- Worcester county, Mass., 377.
- Wynkoop, Hon. Henry, of Pa., 245.
- Yale, Moses, 5.
- Yates, Hon. Richard, of N. Y., 448-9, 453, 459-60; Hon. Robert, of N. Y., 454.
- Yaw, Amos, 334.
- Yeas and Nays: in Congress, on the Vermont question in Nov. and Dec. 1782, 245-7, 250; on application of New York for troops, 324-5.—In Vermont Convention of 1791, on ratifying the Federal Constitution, 480-81.—In Council, on the proclamation against Shays's rebellion, 377.—In General Assembly, on instructions to Agents to Congress, 244; on the betterment act of 1785, 350; and on the expulsion of Jona. Fassett, of Pittsford, 371.
- Young, Arthur, 504; Hamilton, 448; Mrs. 88; Dr. Thomas, 493.

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